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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation

LOK SABHA

The following Bills were introduced in Lok Sabha on the 19th August, 1965:—

BILL NO. 53 OF 1965*

A Bill further to amend certain laws relating to direct taxes, to provide for voluntary disclosure of income, to increase or modify duties of customs on certain goods imported into India and to increase or modify and to impose duties of excise on certain goods produced or manufactured in India.

BE it enacted by Parliament in th teenth Year of the Republic of India as follows:—

1. This Act may be called the Finance (No. 2) Act, 1965. Short title.

43 of 1961.

2. In section 2 of the Income-tax Act, 1961 (hereinafter referred to as the Income-tax Act), in sub-clause (*iv*) of clause (*14*), after the figures "1977", the following shall be, and shall be deemed to have been, inserted with effect from the 1st day of April, 1965, namely:— Amendment of section 2.

"or 7 per cent. Gold Bonds, 1980,".

*The President has, in pursuance of clause (1) and (3) of article 117 and clause (1) of article 274 of the Constitution of India, recommended to Lok Sabha, the introduction and consideration of the Bill.

Amendment of section 10.

3. In section 10 of the Income-tax Act,—

(*a*) after clause (*10*), the following clause shall be, and shall be deemed always to have been, inserted, namely :—

"(*10A*)(*i*) any payment in commutation of pension received under the Civil Pensions (Commutation) Rules of the Central Government or under any similar scheme applicable to the members of the Defence Services or to the employees of a State Government, a local authority or a corporation established by a Central, State or Provincial Act ;

(*ii*) any payment in commutation of pension received under any scheme of any other employer, to the extent it does not exceed—

(*a*) in a case where the employee receives any gratuity, the commuted value of one-third of the pension which he is normally entitled to receive, and

(*b*) in any other case, the commuted value of one-half of such pension,

such commuted value being determined having regard to the age of the recipient, the state of his health, the rate of interest and officially recognised tables of mortality:

Provided that the maximum limit of payment specified in sub-clause (*ii*) (*a*) or sub-clause (*ii*) (*b*) shall not apply in respect of any such payment made before the 19th day of August, 1965;";

(*b*) in sub-clause (*ii*) of clause (*15*), for the words "and interest on deposits in Post Office Savings Banks", the following shall be substituted, namely :—

"interest on deposits in Post Office Savings Banks and bonus in respect of deposits under the Post Office Savings Bank (Cumulative Time Deposits) Rules, 1959";

(*c*) after clause (*23*), the following clause shall be, and shall be deemed always to have been, inserted, namely :—

'(*23A*) any income (other than income chargeable under the head "Interest on securities" or "Income from house property" or any income received for rendering any specific services or income by way of interest or dividends derived from its investment) of any association or institution established in India having as its object the control, supervision, regulation or encouragement of the profession of law, medicine, accountancy, engineering or architecture or such other profession as the Central Government may specify in this behalf, from time to time, by notification in the Official Gazette :

Provided that—

(*i*) the association or institution applies its income, or accumulates it for application, solely to the objects for which it is established ; and

(*ii*) the association or institution is for the time being approved for the purpose of this clause by the Central Government by general or special order;';

(*d*) after clause (*26*), the following clause shall be, and shall be deemed always to have been, inserted, namely :—

"(*26A*) any income accruing or arising to any person (not being an individual who is in the service of Government) from any source in the district of Ladakh or outside India in any previous year relevant to any assessment year commencing before the 1st day of April, 1970, where such person is resident in the said district in that previous year :

Provided that this clause shall not apply in the case of any such person unless he was resident in that district in the previous year relevant to the assessment year commencing on the 1st day of April, 1962.

Explanation.—For the purposes of this clause, a person shall be deemed to be resident in the district of Ladakh if he fulfils the requirements of sub-section (*1*) or sub-section (*2*) or sub-section (*3*) or sub-section (*4*) of section 6, as the case may be, subject to the modifications that—

(*i*) references in those sub-sections to India shall be construed as references to the said district ; and

(*ii*) in clause (*i*) of sub-section (*3*), reference to Indian company shall be construed as reference to a company formed and registered under any law for the time being in force in the State of Jammu and Kashmir and having its registered office in that district in that year;";

(*e*) for clause (*28*), the following clause shall be substituted, namely :—

"(*28*) any amount adjusted or paid in respect of a tax credit certificate under the provisions of Chapter XXIIB and any scheme made thereunder.".

Amendment of section 17

4. In section 17 of the Income-tax Act, in sub-clause (*ii*) of clause (*3*), after the word, brackets and figures "clause (*10*)", the word, brackets, figures and letter "clause (*10A*)" shall be, and shall be deemed always to have been, inserted.

Amendment of section 33.

5. In section 33 of the Income-tax Act, in clause (*iii*) of sub-section (*1*),—

(*i*) in sub-clause (*a*), for the figures "1966", the figures "1965" shall be, and shall be deemed to have been, substituted with effect from the 1st day of April, 1965 ;

(*ii*) for sub-clause (*c*), the following sub-clause shall be, and shall be deemed to have been, substituted with effect from the 1st day of April, 1965, namely :—

"(*c*) where the machinery or plant is installed after the 31st day of March, 1965,—

(*A*) for the purposes of business of construction, manufacture or production of any one or more of the articles or things specified in the list in the Fifth Schedule,—

(*a*) thirty-five per cent. of the actual cost of the machinery or plant to the assessee, where it is installed before the 1st day of April, 1970, and

(*b*) twenty-five per cent. of such cost, where it is installed after the 31st day of March, 1970, and

(*B*) for the purposes of any other business,—

(*a*) twenty per cent. of the actual cost of the machinery or plant to the assessee, where it is installed before the 1st day of April, 1970, and

(*b*) fifteen per cent. of such cost, where it is installed after the 31st day of March, 1970,".

Amendment of section 43.

6. In section 43 of the Income-tax Act, in clause (*6*), after sub-clause (*b*), the following proviso shall be, and shall be deemed always to have been, inserted, namely :—

'Provided that in determining the written down value in respect of buildings, machinery or plant for the purposes of clause (*ii*) of sub-section (*1*) of section 32, "depreciation actually allowed" shall not include depreciation allowed under sub-clauses (*a*), (*b*) and (*c*) of clause (*vi*) of sub-section (*2*) of section 10 of the Indian Income-tax Act, 1922, where such depreciation was not deductible in determining the written down value for the purposes of the said clause (*vi*).'. 11 of 1922.

Amendment of section 44A.

7. In section 44A of the Income-tax Act, in sub-section (*1*), after the words "any trade, professional or similar association", the brackets, words, figures and letter "[other than an association or institution referred to in clause (*23A*) of section 10]" shall be, and shall be deemed always to have been, inserted.

Amendment of section 84.

8. In section 84 of the Income-tax Act, in clause (*iii*) of sub-section (*2*), for the words "eighteen years", the words "twenty-three years" shall be substituted.

Amendment of section 88.

9. In section 88 of the Income-tax Act,—

(*a*) after sub-section (*5*), the following sub-sections shall be, and shall be deemed to have been, inserted with effect from the

1st day of April, 1964, namely :—

'(5A) In this section, "charitable purpose" does not include any purpose the whole or substantially the whole of which is of a religious nature.

(5B) Nothing contained in sub-section (5A) shall affect the benefit conferred by sub-section (1) in respect of any sums paid before the 1st day of April, 1964, by way of donations referred to in clause (*ii*) or clause (*iii*) of that sub-section.';

(*b*) in sub-section (6), for the words, brackets and figure "in sub-section (5)", the words, brackets, figures and letter "in sub-section (5) or sub-section (5A)" shall be, and shall be deemed to have been, substituted with effect from the 1st day of April, 1964.

Amendment of section 112.

10. In section 112 of the Income-tax Act,—

(*a*) in clause (*i*), for the words "and of the capital gains", the words and brackets "and by the amount of the interest on National Savings Certificates (First Issue) and of the capital gains" shall be substituted ;

(*b*) in clause (*iii*), for the words "by the amount of capital gains", the words and brackets "by the amount of the interest on National Savings Certificates (First Issue) and of the capital gains" shall be substituted ;

(c) for clause (*iv*), the following clause shall be substituted, namely :—

"(*iv*) the tax on the interest on National Savings Certificates (First Issue) and on capital gains, if any, computed in accordance with the provisions of clause (*b*) of section 112A and clause (*b*) of section 114, respectively.".

Insertion of new section 112A.

11. After section 112 of the Income-tax Act, the following section shall be inserted, namely :—

Tax on interest on National Savings Certificates (First Issue).

"112A. Where the total income of an assessee, not being a company, includes any interest on National Savings Certificates (First Issue), the tax payable by him on his total income shall be—

(*a*) the amount of income-tax payable on the total income as reduced by the amount of such inclusion and by the amount of compensation or other payment referred to in clause (*ii*) of section 28 and of the capital gains, if any, had the total income so reduced been his total income ; *plus*

(*b*) the amount of income-tax calculated on the amount of such interest included in the total income at the average rate of income-tax which would have been applicable to the

total income if the amount of such interest and the amount of compensation or other payment and of the capital gains aforesaid, if any, had not formed part of it ; *plus*

(*c*) income-tax on such compensation or other payment and on such capital gains, if any, computed in accordance with the provisions of clause (*iii*) of section 112 and of clause (*b*) of section 114, respectively.

Explanation.—For the purposes of clause (*b*), the average rate of income-tax shall be calculated as if the total income as reduced in the manner specified in the said clause consisted wholly of earned income as defined in the Finance Act of the relevant year.".

Amendment of section 114.

12. In section 114 of the Income-tax Act,—

(*a*) in clause (*a*), for the words, brackets and figures "if any, referred to in clause (*ii*) of section 28", the words, brackets and figures "referred to in clause (*ii*) of section 28 and of the interest on National Savings Certificates (First Issue), if any," shall be substituted;

(*b*) in sub-clause (*i*) of clause (*b*), after the words "the amount of compensation or other payment", the words and brackets "and of the interest on National Savings Certificates (First Issue)" shall be inserted;

(*c*) for clause (*c*), the following clause shall be substituted, namely:—

"(*c*) the tax on such compensation or other payment and on the interest on National Savings Certificates (First Issue) aforesaid, if any, computed in accordance with the provisions of clause (*iii*) of section 112 and of clause (*b*) of section 112A, respectively.".

Amendment of section 193.

13. In section 193 of the Income-tax Act, for the proviso, the following proviso shall be substituted, namely:—

"Provided that no tax shall be deducted from—

(*i*) any interest payable on 4¼ per cent. National Defence Bonds, 1972, where the bonds are held by an individual, not being a non-resident; or

(*ii*) any interest payable on National Savings Certificates (First Issue); or

(*iii*) any interest payable on 6½ per cent. Gold Bonds, 1977 or 7 per cent. Gold Bonds, 1980, where the bonds are

held by an individual not being a non-resident, and the holder thereof makes a declaration in writing before the person responsible for paying the interest that the total nominal value of the 6½ per cent. Gold Bonds, 1977 or, as the case may be, the 7 per cent. Gold Bonds, 1980 held by him (including such bonds, if any, held on his behalf by any other person) did not in either case exceed ten thousand rupees at any time during the period to which the interest relates.".

Amendment of section 280M.

14. In section 280M of the Income-tax Act, for sub-section (2), the following sub-section shall be substituted, namely:—

"(2) Where any depositor has deposited any amount for any assessment year which—

(a) he is not liable to deposit under the provisions of this Chapter or which is in excess of the amount required to be deposited under the said provisions for that year; or

(b) is less than the amount required to be deposited under the said provisions for that year and an additional amount has been recovered to make up the deficiency,

then the entire amount, excess amount or additional amount, as the case may be, may be refunded, adjusted or otherwise dealt with in such manner and having regard to such factors as may be specified in a scheme framed under section 280W.".

Amendment of section 280N.

15. In section 280N of the Income-tax Act, for the words "adjusted or otherwise dealt with in such manner as may be provided", the following shall be substituted, namely:—

"refunded, adjusted or otherwise dealt with in such manner and having regard to such factors as may be specified".

Amendment of section 280W.

16. In section 280W of the Income-tax Act, in clause (b) of sub-section (2), for the words "and the manner in which the excess or deficiency of annuity deposit may be adjusted or otherwise dealt with;", the following shall be substituted, namely:—

"and the manner in which the amount of annuity deposit which is not required to be deposited under the provisions of this Chapter or the excess or deficiency of annuity deposit, as the case may be, may be refunded, adjusted or otherwise dealt with

and the factors that may be taken into account in this connection;".

Amendment of section 280ZC.

17. In section 280ZC of the Income-tax Act,—

(*i*) in sub-section (*1*), the following *Explanations* shall be, and shall be deemed to have been, inserted with effect from the 1st day of April, 1965, namely:—

'*Explanation 1.*—For the removal of doubts it is hereby declared that the expression "sale proceeds" in this sub-section does not include freight or insurance attributable to the transport of the goods or merchandise beyond the customs station as defined in the Customs Act, 1962. 52 of 1962.

Explanation 2.—For the purposes of this sub-section, a person who exports any goods or merchandise in respect of which the declaration in pursuance of rule 3 of the Foreign Exchange Regulation Rules, 1952 is required to be in Form E.P., or Form E.P. I in the First Schedule to the said rules, shall not in respect of such goods or merchandise be deemed to have received the sale proceeds in India in accordance with the Foreign Exchange Regulation Act, 1947, and the rules made thereunder unless he receives the same in India through an authorised dealer as defined in the said Act.'; 7 of 1947

(*ii*) for sub-section (*4*), the following sub-section shall be substituted, namely:— 11 of 1922.

"(*4*) The amount shown on a tax credit certificate granted to any person under this section shall, on the certificate being produced before the Income-tax Officer, be adjusted against any liability of that person under the Indian Income-tax Act, 1922, or this Act, existing on the date on which the certificate was produced before the Income-tax Officer and where the amount of such certificate exceeds such liability, or where there is no such liability, the excess or the whole of such amount, as the case may be, shall, notwithstanding anything contained in Chapter XIX, be deemed, on the said date, to be refund due to such person under that Chapter and the provisions of this Act shall apply accordingly.".

Amendment of Fifth Schedule.

18. In the Fifth Schedule to the Income-tax Act, in item (*3*), for the words "Iron ore", the words "Coal, lignite, iron ore" shall be, and shall be deemed to have been, substituted with effect from the 1st day of April, 1965.

Amendment of Act 34 of 1953.

19. In section 3 of the Estate Duty Act, 1953, after sub-section (3), the following sub-section shall be, and shall be deemed to have been, inserted with effect from the 1st day of April, 1964, namely:—

"(4) Any reference in sections 9, 11 and 33 to public charitable purpose or purposes in relation to a gift made or disposition or determination of an interest effected or suffered on or after the 1st day of April, 1964 shall be construed as not including a purpose the whole or substantially the whole of which is of a religious nature.".

Amendment of Act 27 of 1957.

20. In the Wealth-tax Act, 1957,—

(*i*) in section 5, in sub-section (*1*), for clause (*xvia*), the following clause shall be, and shall be deemed to have been, substituted with effect from the 1st day of April, 1965, namely:—

"(*xvia*) 6½ per cent. Gold Bonds, 1977 and 7 per cent. Gold Bonds, 1980;";

(*ii*) in section 18, after sub-section (*2*), the following sub-sections shall be inserted, namely:—

"(*2A*) Notwithstanding anything contained in clause (*i*) or clause (*iii*) of sub-section (*1*), the Commissioner may, in his discretion,—

(*i*) reduce or waive the amount of minimum penalty imposable on a person under clause (*i*) of sub-section (*1*) for failure, without reasonable cause, to furnish the return of net wealth which such person was required to furnish under sub-section (*1*) of section 14, or

(*ii*) reduce or waive the amount of minimum penalty imposable on a person under clause (*iii*) of sub-section (*1*),

if he is satisfied that such person—

(*a*) in the case referred to in clause (*i*) of this sub-section has, prior to the issue of notice to him under sub-section (*2*) of section 14, voluntarily and in good faith made full disclosure of his net wealth; and in the case referred to in clause (*ii*) of this sub-section has, prior to the detection by the Wealth-tax Officer of the concealment of particulars of assets or of the inaccuracy of particulars furnished in respect of the assets or debts

in respect of which the penalty is imposable, voluntarily and in good faith, made full and true disclosure of such particulars;

(*b*) has co-operated in any enquiry relating to the assessment of the wealth represented by such assets; and

(*c*) has either paid or made satisfactory arrangements for payment of any tax or interest payable in consequence of an order passed under this Act in respect of the relevant assessment year.

(*2B*) An order under sub-section (*2A*) shall be final and shall not be called in question before any court of law or any other authority.";

(*iii*) in sections 31 and 34A, for the words "four per cent.", wherever they occur, the words "six per cent." shall be, and shall be deemed to have been, substituted with effect from the 1st day of April, 1965;

(*iv*) in section 36,—

(*a*) after sub-section (*3*), the following sub-section shall be inserted, namely:—

"(*3A*) A person shall not be proceeded against for an offence under sub-section (*2*) in relation to the assessment for an assessment year in respect of which the penalty imposable upon him under clause (*iii*) of sub-section (*1*) of section 18 has been reduced or waived by an order under sub-section (*2A*) of that section.";

(*b*) after sub-section (*4*), the following sub-section shall be inserted, namely:—

"(*5*) Where any proceeding has been taken against any person under sub-section (*3*), any statement made or account or other document produced by such person before any of the Wealth-tax authorities specified in sections 8, 9, 10, 10A and 11 shall not be inadmissible as evidence for the purpose of such proceedings merely on the ground that such statement was made or such account or other document was produced in the belief that the penalty imposable would be reduced or waived under sub-section (*2A*) of section 18 or that the offence in respect of which such proceeding was taken would be compounded."

Amendment of Act 18 of 1958.

21. In the Gift-tax Act, 1958,—

(*i*) in section 5, after sub-section (*1*), the following sub-section shall be, and shall be deemed to have been, inserted with effect from the 1st day of April, 1964, namely:—

"(*1A*) Any reference in clause (*v*) or clause (*vi*) of sub-section (*1*) to charitable purpose in relation to a gift made on or after the 1st day of April, 1964 shall be construed as not including a purpose the whole or substantially the whole of which is of a religious nature.";

(*ii*) in sections 32 and 33A, for the words "four per cent.", wherever they occur, the words "six per cent." shall be, and shall be deemed to have been, substituted with effect from the 1st day of April, 1965.

Insertion of new section 24A in Act 7 of 1964.

22. After section 24 of the Companies (Profits) Surtax Act, 1964, the following section shall be inserted, namely:—

Agreement with foreign countries.

"24A. The Central Government may enter into an agreement—

(*a*) with the Government of any country outside India for the granting of relief in respect of chargeable profits on which have been paid both surtax under this Act and tax of a similar character or income-tax on such profits in that country, or

(*b*) with the Government of any country outside India for the avoidance of double taxation of chargeable profits under this Act and under any law relating to the taxation of income or profits in force in that country.".

Exclusion of commuted value of pension from total income under the Indian Income-tax Act, 1922.

11 of 1922.

23. Notwithstanding anything contained in the Indian Income-tax Act, 1922, any sum due to or received by any person in commutation of pension shall not be included and shall be deemed never to have been includible in computing the total income of such person under the provisions of that Act.

Voluntary disclosure of income.

24. (*1*) Subject to the provisions of this section, where any person makes, on or after the 19th day of August, 1965, and before the 1st day of April, 1966, a declaration in accordance with sub-section (*2*) in respect of the amount representing income chargeable to tax under the Indian Income-tax Act, 1922 or the Income-

11 of 1922

tax Act, 1961 for any assessment year commencing on or before the 1st day of April, 1964— 43 of 1961.

(a) for which he has failed to furnish a return within the time allowed under section 22 of the Indian Income-tax Act, 1922 or section 139 of the Income-tax Act, 1961, or 11 of 1922 43 of 1961.

(b) which he has failed to disclose in a return of income filed by him on or before the 19th day of August, 1965 under the Indian Income-tax Act, 1922 or the Income-tax Act, 1961, or 11 of 1922, 43 of 1961.

(c) which has escaped assessment by reason of the omission or failure on the part of such person to make a return under either of the said Acts to the Income-tax Officer or to disclose fully and truly all material facts necessary for his assessment,

he shall, notwithstanding anything contained in the said Acts, be charged income-tax in accordance with sub-section (3) in respect of the amount so declared or if more than one declaration has been made by a person the aggregate of the amounts declared therein, as reduced by any amount specified in any order made under sub-section (4) or, if such amount is altered by an order of the Board under sub-section (6), then such altered amount (hereafter in this section referred to as the voluntarily disclosed income):

Provided that nothing in this section shall apply to the amount representing income assessable for any assessment year for which a notice under section 22 or section 34 of the Indian Income-tax Act, 1922 or section 139 or section 148 of the Income-tax Act, 1961 has been served upon such person and the date for furnishing the return, whether fixed originally or on extension, falls beyond the 19th day of August, 1965 and the return has not been furnished on or before the said date. 11 of 1922. 43 of 1961

(2) The declaration shall be made to the Commissioner and shall contain the name, address and signature of the person making the declaration (hereafter in this section referred to as the declarant) and also full information in respect of the following matters, namely:—

(a) whether he was assessed to income-tax or not and, if assessed, the designation of the Income-tax Officer by whom he was last assessed;

(b) the amount of income declared, giving, where available, details of the previous year or years in which the income was earned and the amount pertaining to each such year;

(c) whether the amount declared is represented by cash (including bank deposits), bullion, investment in shares, debts due from other persons, commodities or any other assets, and the name in which it is held and location thereof.

(3) Income-tax shall be charged on the amount of the voluntarily disclosed income—

(a) where the declarant is a person other than a company, at the rates specified in Paragraph A, and

(b) where the declarant is a company, at the rates specified in Paragraph F,

10 of 1965. of Part I of the First Schedule to the Finance Act, 1965, as if such amount were the total income of the declarant, so, however, that—

(i) the proviso to the said Paragraph A or, as the case may be, the second proviso to the said Paragraph F shall not apply;

(ii) where the declarant is a person other than a company, the voluntarily disclosed income shall be deemed to be earned income;

(iii) where the declarant is a company, the voluntarily disclosed income shall be deemed to consist of income other than income by way of royalties or fees for rendering technical services or profits and gains derived from the business of generation or distribution of electricity or any other form of power or of construction, manufacture or production of any article or thing or of processing of goods or mining; and

(iv) where the declarant is a firm, it shall be deemed to be an unregistered firm.

Explanation.—For the purpose of charging income-tax at the rates specified in Paragraph F of Part I of the First Schedule to 10 of 1965. the Finance Act, 1965, a company shall be deemed to be a company 43 of 1961 as is referred to in section 108 of the Income-tax Act, 1961, if it is such a company in relation to the assessment year commencing on the 1st day of April, 1965.

(4) (a) Within thirty days of the receipt of a declaration under sub-section (2), the Commissioner shall, if he is satisfied that the whole or any part of the amount of income declared therein has been detected or is deemed to have been detected by the Income-tax Officer prior to the date of the declaration, make an order in writing to that effect recording therein his reasons therefor and specifying the amount of such income [which he shall estimate to

the best of his judgment on the basis of such statement, information, document or other relevant material (including any asset) as is referred to in clause (*b*)] and forward a copy thereof to the declarant

Provided that no order under this sub-section shall be made unless the declarant has been given an opportunity of being heard.

(*b*) For the purposes of this section, income shall be deemed to have been detected by the Income-tax Officer if—

(*i*) on the basis of any statement, information, document or other relevant material (including any asset seized under section 132 of the Income-tax Act, 1961) which is in the knowledge or possession of the Income-tax Officer before the date of the declaration, or

43 of 1961

(*ii*) on the basis of any statement, information, document or other relevant material (including any asset seized under any other law for the time being in force) which is in the knowledge or possession of any other officer of Government before the said date and which has come to the knowledge or possession of the Income-tax Officer not later than fifteen days from the date of the declaration,

such income can be shown to exist or its existence is considered so probable that a prudent man ought under the circumstances of the particular case to act upon the supposition that it exists.

(5) If any person objects for any reason to an order passed by the Commissioner under sub-section (4), he may, within thirty days of the date on which such order is served on him, make an application to the Board, stating therein the reasons for such objection and requesting for appropriate relief in the matter.

(6) On receipt of the application under sub-section (5), the Board may, after giving the applicant an opportunity of being heard, pass such orders as it thinks fit and forward a copy thereof to the applicant and also to the Commissioner.

(7) (*a*) The Commissioner shall, as soon as may be after the receipt of the declaration, forward the same to the Income-tax Officer together with a copy of his order, if any, under sub-section (4) and the Income-tax Officer shall thereupon determine the sum payable by the declarant in accordance with sub section (3) and shall serve upon him a notice of demand under section 156 of the Income-tax Act, 1961, and the provisions of Chapter XV and Chapter XVII-D of, and the Second Schedule and the Third Schedule to, that

43 of 1961

Act shall, as far as may be, apply accordingly as if the said sum were a sum payable under that Act:

Provided that nothing contained in the said Chapter XVII-D shall be deemed to authorise the Income-tax Officer to extend the time for payment of the tax due or allow payment thereof in instalments unless—

(*i*) such amount as is not less than ten per cent. of the amount specified as payable in the notice of demand is paid by the declarant within thirty-five days of the service of the notice; and

(*ii*) the previous authority of the Commissioner is obtained by him for allowing payment of the balance by instalments:

Provided further that—

(*i*) the Commissioner shall in no case authorise payment by instalments unless the declarant furnishes such security for the payment of the balance of tax due in such form and in such manner as the Commissioner may, in his discretion, direct;

(*ii*) the instalments so authorised shall in no case extend beyond four years from the date of the declaration.

(*b*) Where, in consequence of an order passed by the Board under sub-section (*6*), any additional amount of income-tax is found to be payable by the declarant under this section, the Income-tax Officer shall serve upon the declarant a further notice under section 156 of the Income-tax Act, 1961, in respect of such additional amount and all the provisions of clause (*a*) of this sub-section shall apply accordingly as if the notice were a notice issued under that clause.

43 of 1961.

(*8*) An order under sub-section (*6*) shall be final and shall not be called in question before any court of law or any other authority.

(*9*) Any amount of income-tax paid in pursuance of a declaration made under this section shall not be refundable in any circumstances and no person who has made the declaration shall be entitled, in respect of the voluntarily disclosed income or any amount of tax paid thereon, to re-open any assessment or re-assessment made under the Indian Income-tax Act, 1922, or the Income-tax Act, 1961, or the Excess Profits Tax Act, 1940, or the Business Profits Tax Act, 1947, or the Super Profits Tax Act, 1963, or the Companies (Profits) Surtax Act, 1964, or claim any set off or relief in any appeal, reference, revision or other proceeding in relation to any such assessment or re-assessment.

11 of 1922.
43 of 1961.
15 of 1940.
21 of 1947.
14 of 1963.
7 of 1964.

(*10*) (*a*) The amount of the voluntarily disclosed income shall not be included in the total income of the declarant for any assessment year under any of the Acts mentioned in sub-section (*9*) if he has credited such amount in the books of account, if any, maintained by him for any source of income or in any other record.

(*b*) The credit made shall be intimated by the declarant to the Income-tax Officer.

(*11*) Notwithstanding anything contained hereinabove or in any other law for the time being in force, nothing contained in any declaration made under this section shall be admissible as evidence against the declarant for the purpose of any assessment proceeding or any proceeding relating to imposition of penalty or for the purpose of prosecution under any of the Acts mentioned in sub-section (*9*) or the Wealth-tax Act, 1957, in respect of any amount specified in an order made by the Commissioner under sub-section (*4*) or, if such amount is altered by an order of the Board under sub-section (*6*), then, such altered amount. 27 of 1957.

(*12*) (*a*) All particulars contained in any declaration made under this section or record of any proceeding under this section shall be treated as confidential and, notwithstanding anything contained in any law for the time being in force, no court shall be entitled to require any public servant to produce before it any such declaration or record or any part thereof or to give evidence before it in respect thereof.

(*b*) No public servant shall disclose any particulars contained in any such declaration or record except to any officer employed in the execution of any of the Acts mentioned in sub-section (*9*), or the Wealth-tax Act, 1957, or to any officer appointed by the Comptroller and Auditor-General of India or the Board to audit income-tax receipts or refunds. 27 of 1957.

(*13*) The provisions of section 154 of the Income-tax Act, 1961 shall, as far as may be, apply in respect of the rectification of any mistake apparent from the record of any proceeding under this section as they apply to the rectification of a mistake in any order under the said Act. 43 of 1961.

(*14*) Any payment of income-tax under this section shall be made by depositing the amount to the credit of the Central Government at a Government treasury or sub-treasury, or at any branch of the Reserve Bank of India, or at any branch of the State Bank of India, or at any of its agencies conducting Government treasury business.

(*15*) The Commissioner shall on an application by the declarant grant a certificate to him setting forth the particulars of the voluntarily disclosed income and the amount of income-tax paid in respect of the same and the date of payment:

Provided that no certificate under this sub-section shall be granted unless the income-tax charged in pursuance of sub-section (*3*) of this section and the interest, if any, payable under sub-section (*2*) of section 220 of the Income-tax Act, 1961, has been paid by the declarant in full.

43 of 1961.

(*16*) (*a*) In this section,—

(*i*) "earned income" shall have the meaning assigned to it in the Finance Act, 1965;

10 of 1965.

(*ii*) "person" shall have the meaning assigned to it in clause (*31*) of section 2 of the Income-tax Act, 1961, but shall not include any local authority or a corporation established by a Central, State or Provincial Act.

43 of 1961.

(*b*) All other words and expressions used in this section but not defined and defined in the Income-tax Act, 1961, shall have the meanings respectively assigned to them in the said Act.

25. In the Indian Tariff Act, 1934 (hereinafter referred to as the Tariff Act),— **Amendment of Act 32 of 1934.**

(*a*) in section 2A—

(*i*) in sub-section (*1*),—

(*1*) for the words "shall be liable to customs duty", the following shall be substituted, namely:—

"shall, in addition, be liable to duty (hereinafter in this section referred to as the additional duty)",

(*2*) for the words "customs duty", the words "additional duty" shall be substituted;

(*ii*) in sub-section (*1A*), for the words "the customs duty on any imported article equal to the excise duty for the time being leviable on a like article, if produced or manufactured in India, where such excise duty", the following shall be substituted, namely:—

"the additional duty on any imported article, where such duty";

(*iii*) for sub-section (*2*), the following sub-sections shall be substituted, namely:—

"(*2*) If the Central Government is satisfied that in respect of any article imported, the duty leviable under

sub-section (*1*) does not fully countervail the excise duty chargeable on a like article if produced or manufactured in India including the excise duty chargeable on the raw materials, components or ingredients used in the production or manufacture of such article, the Central Government may, by notification in the Official Gazette, direct that the additional duty chargeable in respect of the imported article shall include an amount representing such portion of the excise duty chargeable on such raw materials, components or ingredients as may be determined by rules made by the Central Government in this behalf.

(3) In making any rules for the purposes of sub-section (2), the Central Government shall have regard to the average quantum of the excise duty payable on the raw materials, components or ingredients used in the production or manufacture of such like article.

(4) The duty chargeable under this section shall be in addition to any duty imposed under this Act or under any other law for the time being in force.

(5) The provisions of the Customs Act, 1962 and the rules and regulations made thereunder, including those relating to refunds and exemption from duties, shall, so far as may be, apply to the duty chargeable under this section.";

52 of 1962.

(*b*) the First Schedule shall be amended in the manner specified in Parts I and II of the Schedule to this Act.

Amendment of Act 1 of 1944.

26. In the Central Excises and Salt Act, 1944, in the First Schedule,—

(*a*) in Item No. 6, for the entry in the third column, the entry "Four hundred and fifty-five rupees per kilolitre at fifteen degrees of Centigrade thermometer." shall be substituted;

(*b*) in Item No. 7, for the entry in the third column, the entry "Two hundred and thirty-five rupees per kilolitre at fifteen degrees of Centigrade thermometer." shall be substituted;

(*c*) in Item No. 8, for the entry in the third column against each of the sub-items (*a*) and (*b*), the entry "Four hundred and eighty-nine rupees per kilolitre at fifteen degrees of Centigrade thermometer." shall be substituted;

(*d*) in Item No. 9, for the entry in the third column, the entry "Eighty rupees per metric tonne" shall be substituted;

(*e*) in Item No. 10, for the entry in the third column, the entry "Eighty rupees per metric tonne." shall be substituted;

(*f*) in Item No. 11, for the entry in the third column against each of the sub-items (1) and (2), the entry "Thirty per cent. *ad valorem*." shall be substituted;

(*g*) in Item No. 11A, for the entry in the third column, the entry "Ten per cent. *ad valorem*." shall be substituted;

(*h*) in Item No. 14E,—

(*i*) the existing *Explanation* shall be numbered as *Explanation I*;

(*ii*) after *Explanation I* as so re-numbered, the following *Explanation* shall be inserted, namely:—

'*Explanation II.*—"Alcohol", "Opium", "Indian Hemp", "Narcotic Drugs" and "Narcotics" have the meanings respectively assigned to them in section 2 of the Medicinal and Toilet Preparations (Excise Duties) Act, 1955.'; 16 of 1955.

(*i*) in Item No. 14F, the following *Explanation* shall be inserted at the end, namely:—

'*Explanation.*—"Alcohol", "Opium", "Indian Hemp" "Narcotic Drugs" and "Narcotics" have the meanings respectively assigned to them in section 2 of the Medicinal and Toilet Preparations (Excise Duties) Act, 1955.'; 16 of 1955.

(*j*) in Item No. 26, for the entry in the third column, the entry "Seventy-five rupees per metric tonne." shall be substituted;

(*k*) in Item No. 26A, for the entries in the third column against sub-items (1) and (2), the entries "One thousand and five hundred rupees per metric tonne." and "Two thousand rupees per metric tonne." shall, respectively, be substituted;

(*l*) in Item No. 26AA, for the entry in the third column against each of the sub-items (*i*) and (*ia*), the entry "Fifty rupees per metric tonne *plus* the excise duty for the time being leviable on steel ingots." shall be substituted;

(*m*) in Item No. 26B, for sub-items (1) and (2), the following sub-items shall be substituted, namely:—

"(1) Unwrought, including ingots, cakes, bars, blocks, hard or soft slabs, billets, plates, cathodes, anodes, pellets, spelter, dross, ashes and broken zinc.	Five hundred rupees per metric tonne.
(2) Manufactures, the following, namely, plates, sheets, circles, strips and foils in any form or size.	Eight hundred rupees per metric tonne.
(3) Pipes and tubes.	Ten per cent. *ad valorem.*";

(*n*) after Item No. 27, the following Item shall be inserted, namely:—

"27A. LEAD unwrought, including ingots, pigs, blocks, anodes, slabs, cakes and cast sticks.	Five hundred rupees per metric tonne.".

Declaration under the Provisional Collection of Taxes Act, 1931

It is hereby declared that it is expedient in the public interest that the provisions of clauses 25(*b*) and 26 of this Bill shall have immediate effect under the Provisional Collection of Taxes Act, 1931.

16 of 1931.

THE SCHEDULE

[*See* section 25(*b*)]

PART I

The First Schedule to the Tariff Act shall be amended in the manner and to the extent specified in the Table annexed hereto, and the existing entries in any column thereof which have not been so amended shall continue unaltered.

TABLE

Item No.	Name of article	Nature of duty	Standard rate of duty	Preferential rate of duty if the article is the produce or manufacture of		Duration of protective rates of duty
				The United Kingdom	A British Colony	
1	2	3	4	5	6	7
			For the existing entries in columns 4, 5 and 6, substitute—			
1	..	..	60 per cent *ad valorem.*	..	..	..
1(1)	..	..	60 per cent *ad valorem.*	..	..	..
2	..	..	60 per cent *ad valorem.*	..	..	..
3	..	..	60 per cent *ad valorem.*	..	..	..
3(1)	..	..	60 per cent *ad valorem.*	..	..	..
3(2)	..	..	60 per cent *ad valorem.*	..	..	..
3(3)	..	..	60 per cent *ad valorem.*	..	50 per cent *ad valorem.*	..
3(4)	..	..	60 per cent *ad valorem.*	..	..	..
4	..	..	60 per cent *ad valorem.*	..	..	..
4(1)	..	..	60 per cent *ad valorem.*	..	..	..
4(4)	..	..	60 per cent *ad valorem.*	..	..	..
4(5)	..	..	60 per cent *ad valorem.*	..	..	..
5	..	..	40 per cent *ad valorem.*	..	..	..

1	2	3	4	5	6	7
5(1)	..	..	60 per cent *ad valorem.*	..	..	..
5(2)	..	..	60 per cent *ad valorem.*	..	50 per cent *ad valorem.*	..
6	..	..	60 per cent *ad valorem.*	..	..	..
6(1)	..	..	60 per cent *ad valorem.*	..	..	..
7	..	..	100 per cent *ad valorem.*	..	90 per cent *ad valorem.*	..
7(1)	..	..	100 per cent *ad valorem.*	..	94 per cent *ad valorem.*	..
8	..	..	100 per cent *ad valorem.*	..	90 per cent *ad valorem.*	..
8(1)	..	..	100 per cent *ad valorem.*	..	..	..
8(2)(*A*)(*a*)	..	..	Rs. 860 per quintal.	..	Rs. 860 per quintal *less* 10 per cent *ad valorem.*	..
8(2)(*A*)(*b*)(*i*)	..	..	Rs. 500 per quintal.	..	Rs. 500 per quintal *less* 10 per cent *ad valorem.*	..
8(2)(*A*)(*b*)(*ii*)	..	..	Rs. 280 per quintal.	..	Rs. 280 per quintal *less* 10 per cent *ad valorem.*	..
8(2)(*B*)(*a*)	..	..	Rs. 150 per quintal.	..	Rs. 150 per quintal *less* 10 per cent *ad valorem.*	..
8(2)(*B*)(*b*)	..	..	Rs. 100 per quintal.	..	Rs. 100 per quintal *less* 10 per cent *ad valorem.*	..
8(2)(*B*)(*c*)	..	..	Rs. 70 per quintal.	..	Rs. 70 per quintal *less* 10 per cent *ad valorem.*	..
8(2)(*C*)	..	..	Rs. 30 per quintal	..	Rs. 30 per quintal *less* 10 per cent *ad valorem.*	..
8(2)(*D*)(*a*)	..	..	Rs. 400 per quintal.	..	Rs. 400 per quintal *less* 10 per cent *ad valorem.*	..
8(2)(*D*)(*b*)	..	..	Rs. 1,000 per quintal.	..	Rs. 1,000 per quintal *less* 10 per cent *ad valorem.*	..
8(2)(*E*)(*a*)	..	..	Rs. 200 per quintal.	..	Rs. 200 per quintal *less* 10 per cent *ad valorem.*	..

1	2	3	4	5	6	7
8(2)(*E*)(*b*)	.	..	Rs. 260 per quintal.	..	Rs. 260 per quintal *less* 10 per cent *ad valorem.*	..
8(2)(*E*)(*c*)	..	..	Rs. 400 per quintal.	..	Rs. 400 per quintal *less* 10 per cent *ad valorem.*	..
8(2)(*F*)	..	..	100 per cent *ad valorem.*	..	90 per cent *ad valorem.*	..
8(3)	..	..	100 per cent *ad valorem.*	..	..	..
8(4)	..	..	100 per cent *ad valorem.*	..	94 per cent *ad valorem.*	..
8(5)	..	..	100 per cent *ad valorem.*	..	94 per cent *ad valorem.*	..
9	..	..	100 per cent *ad valorem.*	..	100 per cent *ad valorem less* 13 Paise per kilogram.	..
9(1)	..	..	100 per cent *ad valorem.*	..	90 per cent *ad valorem.*	..
9(2)	..	..	100 per cent *ad valorem.*	..	100 per cent *ad valorem less* 26 Paise per kilogram.	..
9(4)	..	..	100 per cent *ad valorem.*	..	92½ per cent *ad valorem.*	..
9(6)	..	..	60 per cent *ad valorem.*	..	..	..
11	..	..	60 per cent *ad valorem.*	..	..	..
11(2)	..	..	60 per cent *ad valorem.*	..	..	..
11(3)	..	..	60 per cent *ad valorem.*	..	50 per cent *ad valorem.*	..
11(4)	..	..	60 per cent *ad valorem.*	..	..	..
11(5)	..	..	60 per cent *ad valorem.*	..	..	..
11(6)	..	..	60 per cent *ad valorem.*	..	50 per cent *ad valorem.*	..
12	..	..	60 per cent *ad valorem.*	..	..	..
12(2)	..	..	60 per cent *ad valorem.*	..	50 per cent *ad valorem.*	..
12(3)	..	..	60 per cent *ad valorem.*	..	..	..
12(4)	..	..	100 per cent *ad valorem.*	..	..	..
12(5)	..	..	60 per cent *ad valorem.*	..	..	..
12(6)	..	..	60 per cent *ad valorem.*	..	..	..

1	2	3	4	5	6	7
13	..	..	40 per cent *ad valorem.*	..	..	..
13(1)	..	..	40 per cent *ad valorem.*	..	..	..
13(2)	..	..	60 per cent *ad valorem.*	..	50 per cent *ad valorem.*	..
13(3)	..	..	60 per cent *ad valorem.*	..	..	..
13(4)	..	..	60 per cent *ad valorem.*	..	50 per cent *ad valorem.*	..
13(5)	..	..	60 per cent *ad valorem.*	..	..	..
13(6)	..	..	60 per cent *ad valorem.*	..	..	..
13(7)	..	..	60 per cent *ad valorem.*	..	..	..
13(8)	..	..	60 per cent *ad valorem.*	..	..	..
13(9)	..	..	60 per cent *ad valorem.*	..	60 per cent *ad valorem.*	..
14	..	..	60 per cent *ad valorem.*	..	..	..
15	..	..	60 per cent *ad valorem.*	..	..	..
15(1)	..	..	60 per cent *ad valorem.*	..	..	..
15(2)	..	..	60 per cent *ad valorem.*	..	..	..
15(3)	..	..	60 per cent *ad valorem.*	..	..	..
15(4)	..	..	60 per cent *ad valorem.*	..	..	..
15(5)	..	..	60 per cent *ad valorem.*	..	..	..
15(6)	..	..	60 per cent *ad valorem.*	..	50 per cent *ad valorem.*	..
15(7)	..	..	60 per cent *ad valorem.*	..	50 per cent *ad valorem.*	..
15(8)	..	..	60 per cent *ad valorem.*	..	..	..
15(9)	..	..	60 per cent *ad valorem.*	..	..	..
15(10)	..	..	60 per cent *ad valorem.*	..	..	..
15(12)	..	..	60 per cent *ad valorem.*	..	..	..
16	..	..	100 per cent *ad valorem.*	..	..	..
16(1)	..	..	100 per cent *ad valorem.*	..	..	..
16(2)	..	..	100 per cent *ad valorem.*	..	..	..

1	2	3	4	5	6	7
16(3)	..	..	100 per cent *ad valorem.*	..	..	..
17	..	..	60 per cent *ad valorem.*	..	..	..
17(1)	..	..	60 per cent *ad valorem.*	..	..	..
17(2)	..	..	100 per cent *ad valorem.*	..	..	..
17(3)	..	..	60 per cent *ad valorem.*	..	..	..
18(*a*)	..	..	60 per cent *ad valorem.*	..	..	..
18(*b*)	..	..	100 per cent *ad valorem.*	..	..	..
19	..	..	100 per cent *ad valorem.*	..	..	..
19(1)	..	..	60 per cent *ad valorem.*	..	..	..
19(2)	..	..	60 per cent *ad valorem.*	..	..	..
19(3)	..	..	100 per cent *ad valorem.*	..	..	..
20	..	..	100 per cent *ad valorem.*	..	..	..
20(1)	..	..	100 per cent *ad valorem.*	..	90 per cent *ad valorem.*	..
20(2)	..	..	100 per cent *ad valorem.*	..	90 per cent *ad valorem.*	..
20(3)	..	..	100 per cent *ad valorem.*	..	90 per cent *ad valorem.*	..
20(4)	..	..	100 per cent *ad valorem.*	..	..	..
20(5)(*a*)	..	..	94 per cent *ad valorem.*	..	..	..
20(5)(*b*)	..	..	100 per cent *ad valorem.*	..	..	..
20(6)	..	..	100 per cent *ad valorem.*	..	100 per cent *ad valorem.*	..
20(7)	..	..	100 per cent *ad valorem.*	..	94 per cent *ad valorem.*	..
20(8)	..	..	100 per cent *ad valorem.*	..	94 per cent *ad valorem.*	..
20(9)	..	..	100 per cent *ad valorem.*	..	92 per cent *ad valorem.*	..
21	..	..	100 per cent *ad valorem.*	..	..	..
21(1)	..	..	100 per cent *ad valorem.*	..	..	..
21(2)	..	..	100 per cent *ad valorem.*	..	..	..
21(3)	..	..	100 per cent *ad valorem.*	..	..	..

1	2	3	4	5	6	7
21(4)	..	..	100 per cent *ad valorem.*	..	..	..
21(5)	..	..	100 per cent *ad valorem.*	..	..	..
21(6)	..	..	100 per cent *ad valorem.*	..	..	..
21(7)	..	..	100 per cent *ad valorem.*	..	..	..
21(8)	..	..	100 per cent *ad valorem.*	..	..	..
21(9)	..	..	100 per cent *ad valorem.*	..	..	..
21(10)	..	..	100 per cent *ad valorem.*	..	..	..
22	..	..	100 per cent *ad valorem.*	..	..	..
22(4)(*b*)(*ii*)	..	..	Rs. 60 per litre or 170 per cent. *ad valorem,* whichever is higher, *plus* Rs. 5 per litre.	..	..	..
22(5)(*b*)(*i*)	..	..	Rs. 14·40 per litre or 60 per cent *ad valorem,* whichever is higher, *plus* Rs. 5 per litre.	Rs. 13·50 per litre or 50 per cent *ad valorem,* whichever is higher, *plus* Rs. 5 per litre.	Rs. 13·50 per litre or 50 per cent *ad valorem,* whichever is higher, *plus* Rs. 5 per litre.	..
22(5)(*b*)(*ii*)	..	..	Rs. 14·40 per litre or 60 per cent *ad valorem,* whichever is higher, *plus* Rs. 5 per litre.	Rs. 13·50 per litre or 50 per cent *ad valorem,* whichever is higher, *plus* Rs. 5 per litre.	Rs. 13·50 per litre or 50 per cent *ad valorem,* whichever is higher, *plus* Rs. 5 per litre.	..
22(6)	..	..	60 per cent *ad valorem.*	..	..	..
22(7)	..	..	60 per cent *ad valorem.*	..	..	..
23	..	..	60 per cent *ad valorem.*	..	..	..
24	..	..	100 per cent *ad valorem.*	..	..	..
24(1)	..	..	100 per cent *ad valorem.*	..	..	..
24(2)	..	..	100 per cent *ad valorem.*	..	..	..
25	..	..	60 per cent *ad valorem.*	..	..	..
25(1)	For "exempted", substitute "falling".	..	Rs. 10 per quintal.	..	..	..

1	2	3	4	5	6	7
25(2)	..	..	Rs. 10 per quintal.	..	..	..
25(3)	..	..	60 per cent *ad valorem.*	..	..	..
25(4)	..	..	60 per cent *ad valorem.*	50 per cent *ad valorem.*	..	..
25(5)	..	..	60 per cent *ad valorem.*	..	.	..
25(6)	..	..	60 per cent *ad valorem.*	..	..	..
25(7)	..	..	60 per cent *ad valorem.*	..	..	..
26	..	..	40 per cent *ad valorem.*	..	..	..
26(1)	..	.	40 per cent *ad valorem.*	..	..	..
27		.	40 per cent *ad valorem.*	..	..	..
27(1)	..	..	40 per cent *ad valorem.*	..	31 per cent *ad valorem.*	..
27(2)	.	..	40 per cent *ad valorem.*	..	..	..
27(3)	..	..	40 per cent *ad valorem.*	..	..	..
27(4)(*b*)	..	..	40 per cent *ad valorem.*	..	..	..
27(7)(*a*)	.	..	40 per cent *ad valorem.*	..	..	..
27(8)	.	.	40 per cent *ad valorem.*	..	..	.
27(9)	..	..	40 per cent *ad valorem.*	.	..	..
28	..	..	60 per cent *ad valorem.*	50 per cent *ad valorem.*	50 per cent *ad valorem.*	..
28A	..	..	60 per cent *ad valorem.*	50 per cent *ad valorem.*	50 per cent *ad valorem.*	..
28(1)	..	.	40 per cent *ad valorem.*	..	..	..
28(4)(*a*)	..	..	50 per cent *ad valorem.*	.	.	.
28(4)(*b*)	..	..	60 per cent *ad valorem.*	..	..	..
28(5)	..	..	60 per cent *ad valorem.*	..	..	..
28(6)(*a*)	..	..	60 per cent *ad valorem.*	..	..	..
28(6)(*b*)	..	..	60 per cent *ad valorem.*	..	..	..
28(7)	.	..	60 per cent *ad valorem.*	..	..	..
28(7A)	..	..	100 per cent *ad valorem.*	..	..	..
28(8)	..	..	60 per cent *ad valorem.*	.	..	..

1	2	3	4	5	6	7
28(9)	..	..	Rs. 20 per kilogram.	..	..	..
28(10)	..	..	60 per cent *ad valorem.* or Rs. 42 per kilogram of Saccharine content, whichever is higher.	..	..	..
28(11)	..	..	60 per cent *ad valorem.*	..	..	..
28(12)	..	..	60 per cent *ad valorem.*	..	..	..
28(15)(*a*)	..	..	50 per cent *ad valorem.*	..	..	..
28(15)(*b*)	..	..	60 per cent *ad valorem.*	..	..	..
28(16)	..	..	60 per cent *ad valorem.*	..	..	..
28(17)	..	..	60 per cent *ad valorem.*	..	..	..
28(18)(*a*)	..	..	60 per cent *ad valorem.*	50 per cent *ad valorem.*	50 per cent *ad valorem.*	..
28(18)(*b*)	..	..	60 per cent *ad valorem.*	50 per cent *ad valorem.*	50 per cent *ad valorem.*	..
28(18)(*c*)	..	..	60 per cent *ad valorem.*	50 per cent *ad valorem.*	50 per cent *ad valorem.*	..
28(18)(*d*)	..	..	60 per cent *ad valorem.*	50 per cent *ad valorem.*	50 per cent *ad valorem.*	..
28(19)	..	..	60 per cent *ad valorem.*	..	..	..
28(20)(*a*)	..	..	60 per cent *ad valorem.*	..	..	..
28(20)(*b*)	..	..	60 per cent *ad valorem.*	..	..	
28(20)(*c*)	..	..	60 per cent *ad valorem.*	..	..	..
28(20)(*d*)	..	..	60 per cent *ad valorem.*	..	..	..
28(20)(*e*)	..	..	60 per cent *ad valorem.*	..	..	..
28(21)	..	..	60 per cent *ad valorem.*	54 per cent *ad valorem.*	54 per cent *ad valorem.*	..
28(22)	..	..	60 per cent *ad valorem.*	54 per cent *ad valorem.*	54 per cent *ad valorem.*	.
28(23)	..	..	60 per cent *ad valorem.*	54 per cent *ad valorem.*	54 per cent *ad valorem.*	..
28(24)	..	..	60 per cent *ad valorem.*	54 per cent *ad valorem.*	54 per cent *ad valorem.*	..
28(26)	..	..	60 per cent *ad valorem.*	54 per cent *ad valorem.*	54 per cent *ad valorem.*	..
28(26A)	..	..	60 per cent *ad valorem.*	54 per cent *ad valorem.*	54 per cent *ad valorem.*	..
28(27)	..	..	60 per cent *ad valorem.*	54 per cent *ad valorem.*	54 per cent *ad valorem.*	..

1	2	3	4	5	6	7
28(28)(*a*)	..	..	60 per cent *ad valorem.*	54 per cent *ad valorem.*	54 per cent *ad valorem.*	..
28(28)(*b*)	..	..	60 per cent *ad valorem.*	54 per cent *ad valorem.*	54 per cent *ad valorem.*	..
28(29)	..	..	60 per cent *ad valorem.*	..	..	..
28(30)	..	..	100 per cent *ad valorem.*	..	..	..
28(31)	..	..	60 per cent *ad valorem.*	50 per cent *ad valorem.*	50 per cent *ad valorem.*	..
28(32)	..	..	60 per cent *ad valorem.*	50 per cent *ad valorem.*	50 per cent *ad valorem.*	..
28(33)	..	..	60 per cent *ad valorem.*	..	..	..
28(34)(*a*)	..	..	50 per cent *ad valorem.*	..	..	..
28(34)(*b*)	..	..	60 per cent *ad valorem.*	..	..	..
28(35)(*a*)	..	..	50 per cent *ad valorem.*	..	..	..
28(35)(*b*)	..	..	60 per cent *ad valorem.*	..	..	..
28(36)(*a*)	..	..	90 per cent *ad valorem.*	..	..	..
28(36)(*b*)	..	..	100 per cent *ad valorem.*	..	..	..
28(37)(*a*)	..	..	90 per cent *ad valorem.*	..	..	..
28(37)(*b*)	..	..	100 per cent *ad valorem.*	..	..	..
29	..	..	Rs. 15 per 100 linear metres.	..	..	..
30	..	..	100 per cent *ad valorem.*	90 per cent *ad valorem.*	..	..
30(1)(*a*)	..	..	60 per cent *ad valorem.*	..	..	..
30(1)(*b*)(*i*)	..	..	60 per cent *ad valorem.*	..	..	..
30(1)(*b*)(*ii*)	..	..	100 per cent *ad valorem.*	..	..	..
30(1)(*b*)(*iii*)	..	..	60 per cent *ad valorem.*	..	..	..
30(1)(*c*)	..	..	60 per cent *ad valorem.*	..	..	..
30(2)(*a*)	..	..	60 per cent *ad valorem.*	50 per cent *ad valorem.*	..	..
30(2)(*b*)	..	..	60 per cent *ad valorem.*	50 per cent *ad valorem.*	..	..
30(2)(*c*)	..	..	60 per cent *ad valorem.*	50 per cent *ad valorem.*	..	..
30(2)(*cc*)(*i*)	..	..	60 per cent *ad valorem.*	54 per cent *ad valorem.*	..	..
30(2)(*cc*)(*ii*)	..	..	60 per cent *ad valorem.*	54 per cent *ad valorem.*	..	..

1	2	3	4	5	6	7
30(2)(cc)(iii)	.	.	60 per cent *ad valorem.*	54 per cent *ad valorem.*	..	..
30(2)(cc)(iv)	.	..	60 per cent *ad valorem.*	54 per cent *ad valorem.*	..	..
30(2)(d)	..	..	60 per cent *ad valorem.*	50 per cent *ad valorem.*	..	..
30(3)(a)	..	..	60 per cent *ad valorem.*	..	..	..
30(3)(b)	..	..	60 per cent *ad valorem.*	..	..	..
30(3)(c)	..	..	60 per cent *ad valorem.*	.	.	..
30(3)(d)	..	..	60 per cent *ad valorem.*	..		..
30(4)	..	..	60 per cent *ad valorem.*	..	..	..
30(5)	..	..	60 per cent *ad valorem.*	..	50 per cent *ad valorem.*	..
30(6)	..	..	60 per cent *ad valorem.*	..	..	..
30(7)	..	..	100 per cent *ad valorem.*	..	..	..
30(8)	..	..	100 per cent *ad valorem.*	..	..	..
30(9)(a)	..	..	50 per cent *ad valorem.*	..	..	..
30(9)(b)	..	..	60 per cent *ad valorem.*	..	..	..
30(10)	..	..	60 per cent *ad valorem.*	..	..	..
30(11)	..	..	100 per cent *ad valorem.*	100 per cent *ad valorem.*	..	..
30(12)	..	..	60 per cent *ad valorem.*	54 per cent *ad valorem.*	..	..
30(13)	Dyes, derived from coal-tar, the following, namely:—					
	Alizarine moist exceeding 20 per cent	..	60 per cent *ad valorem.*	..	..	..
	Alizarine red.	..	60 per cent *ad valorem.*	..	.	..
	Azo dyes, not otherwise specified.	..	60 per cent *ad valorem*	..	..	..

1	2	3	4	5	6	7
	Sulphur dyes of other colours.	..	60 per cent *ad valorem.*	..	..	..
	Ultrazols.	..	60 per cent *ad valorem.*	..	..	..
	Vats, powder.	..	60 per cent *ad valorem.*	..	..	..
30(14)(*a*)	..	..	50 per cent *ad valorem.*	..	..	..
30(14)(*b*)	..	..	60 per cent *ad valorem.*	..	..	..
30(15)	Dyes, derived from coal-tar, and coal-tar derivatives used in any dyeing process, the following, namely:—					
	Dyes belonging to the class of Rapid Fast Colours, Rapidogens and Rapidazols.	..	60 per cent *ad valorem.*	..	..	..
	Fast colour salts.	..	60 per cent *ad valorem.*	..	..	..
	Solubilised vats.	..	60 per cent *ad valorem.*	..	..	..
30(16)	Dyes, derived from coal-tar, the following, namely:—					
	Acid Azo Dyes (including Acid Fast Red A).	..	60 per cent *ad valorem.*	..	..	..

1	2	3	4	5	6	7
	Direct Azo Dyes (including Congo Red).	..	60 per cent *ad valorem.*	..	..	..
	Sulphur Black.	..	60 per cent *ad valorem.*	..	..	..
31(4)	..	..	100 per cent *ad valorem.*	..	..	..
32(3)	..	..	100 per cent *ad valorem.*	..	..	..
32(4)	..	..	100 per cent *ad valorem.*	..	..	..
33	..	..	60 per cent *ad valorem.*	..	..	..
33(1)	..	..	60 per cent *ad valorem.*	..	..	..
34	..	..	100 per cent *ad valorem.*	..	..	..
34(1)	..	..	60 per cent *ad valorem.*	..	..	..
34(2)	..	..	60 per cent *ad valorem.*	..		
34(3)	..	..	100 per cent *ad valorem.*	..	..	
34(4)(*a*)	..	..	100 per cent *ad valorem.*	..	..	
34(4)(*b*)	..	..	100 per cent *ad valorem.*	..	..	..
34(4)(*c*)	..	..	100 per cent *ad valorem.*	..	..	..
36	..	..	60 per cent *ad valorem.*	..	..	..
36(2)	..	..	100 per cent *ad valorem.*	..	..	..
39	..	..	40 per cent *ad valorem.*	..	..	..
39(1)	..	..	100 per cent *ad valorem.*	..	..	..
39(2)	..	..	60 per cent *ad valorem.*	..	..	..
39(3)	..	..	60 per cent *ad valorem.*	..	..	..
40	..	..	60 per cent *ad valorem.*	..	..	..
40(1)	..	..	60 per cent *ad valorem.*	..	..	..
40(3)	..	..	60 per cent *ad valorem.*	..	..	..
40(4)	..	..	60 per cent *ad valorem.*	..	..	..
40(5)	..	..	60 per cent *ad valorem.*	..	..	..

1	2	3	4	5	6	7
40(6)	..	..	60 per cent *ad valorem.*	..	..	..
40(7)	..	..	60 per cent *ad valorem.*	..	..	..
41	..	..	60 per cent *ad valorem.*	..	..	..
43	..	..	40 per cent *ad valorem.*	..	..	..
43(1)	..	..	40 per cent *ad valorem.*	..	..	..
44	.	..	100 per cent *ad valorem.*	..	..	..
44(1)	..	..	100 per cent *ad valorem.*	..	..	..
44(4)	..	..	100 per cent *ad valorem.*	..	..	..
44(7)	..	..	100 per cent *ad valorem.*	..	..	..
45(*b*)	..	..	100 per cent *ad valorem.*	..	..	..
45(*c*)	..	..	100 per cent *ad valorem.*	..	..	..
45(2)	..	..	100 per cent *ad valorem.*	..	..	..
45(3)	..	..	100 per cent *ad valorem.*	..	..	..
45(4)	..	..	100 per cent *ad valorem.*	..	..	..
45(5)	..	..	100 per cent *ad valorem.*	..	..	..
45(6)	..	..	100 per cent *ad valorem.*	..	..	..
46	..	..	60 per cent *ad valorem plus* Rs. 8·80 per kilogram.	..	..	..
46(1)	..	..	60 per cent *ad valorem.*	..	..	.
46(2)	..	..	40 per cent *ad valorem.*	..	..	..
46(3)	..	..	40 per cent *ad valorem.*	..	..	..
46(4)(*a*)	..	..	40 per cent *ad valorem.*	..	..	..
46(4)(*b*)	..	..	40 per cent *ad valorem.*	..	..	..
46(5)	..	..	40 per cent *ad valorem.*	..	30 per cent *ad valorem*	..
46(6)	..	..	40 per cent *ad valorem.*	..	..	..
47(*a*)	..	..	60 per cent *ad valorem plus* Rs. 8·80 per kilogram.	..	..	..

1	2	3	4	5	6	7
47(*b*)	..	..	60 per cent *ad valorem* plus Rs. 11·60 per kilogram.	..	..	..
47(*c*)	..	..	60 per cent *ad valorem.*	..	..	..
47(1)	..	..	60 per cent *ad valorem.*	..	..	..
47(2)	..	..	100 per cent *ad valorem.*	..	..	..
47(3)	..	..	60 per cent *ad valorem.*	..	..	..
47(4)	..	..	60 per cent *ad valorem.*	..	..	..
47(5)	..	..	60 per cent *ad valorem.*	..	..	..
47(6)(*a*)(*i*)	..	..	60 per cent *ad valorem.*	..	..	..
47(6)(*a*)(*ii*)	..	..	60 per cent *ad valorem.*	..	..	..
47(6)(*b*)(*i*)	..	..	60 per cent *ad valorem.*	..	..	..
47(6)(*b*)(*ii*)	..	..	60 per cent *ad valorem.*	..	..	..
47(7)	..	..	60 per cent *ad valorem.*	..	..	..
47(8)	..	..	40 per cent *ad valorem.*	..	..	..
48(1)(*a*)	..	..	80 per cent *ad valorem.*	..	..	..
48(1)(*b*)	..	..	100 per cent *ad valorem.*	..	..	..
48(2)	..	..	100 per cent *ad valorem.*	..	..	..
48(4)(*a*)	..	..	100 per cent *ad valorem.*	..	..	..
48(4)(*b*)(*i*)	..	..	100 per cent *ad valorem.*	..	..	..
48(5)(*a*)(*i*)	..	..	80 per cent *ad valorem.*	..	..	..
48(5)(*a*)(*ii*)	..	..	100 per cent *ad valorem.*	..	..	..
48(5)(*b*)(*i*)	..	..	80 per cent *ad valorem.*	..	..	..
48(5)(*b*)(*ii*)	..	..	100 per cent *ad valorem.*	..	..	..

1	2	3	4	5	6	7
48(6)	..		100 per cent *ad valorem.*	.	.	..
49(*a*)	..	..	100 per cent *ad valorem.*	..	..	..
49(*b*)	Omit the words "if of British manufecture, or", "if not of British manufacture" and "whether of British manufacture or otherwise".	..	100 per cent *ad valorem.*	..	..	..
49(*c*)	Omit the words "if not of British manufacture and".	..	100 per cent *ad valorem.*	..	..	..
49(1)(*a*)	..	..	100 per cent *ad valorem.*	90 per cent *ad valorem.*	..	..
49(1)(*b*)	..	..	100 per cent *ad valorem.*	90 per cent *ad valorem.*	..	..
49(1)(*c*)	..	..	100 per cent *ad valorem*	90 per cent *ad valorem.*	..	..
49(2)	..	..	100 per cent *ad valorem.*	..	..	..
49(3)	..	..	100 per cent *ad valorem.*	..	..	..
49(4)	..	..	100 per cent *ad valorem.*	90 per cent *ad valorem.*	..	..
49(5)	..	..	100 per cent *ad valorem.*	..	..	..
50	..	..	100 per cent *ad valorem.*	..	..	..
50(1)	..	..	100 per cent *ad valorem.*	..	..	..
50(2)	..	..	100 per cent *ad valorem.*	..	..	..
50(3)	..	..	40 per cent *ad valorem.*	..	..	..
50(4)	..	..	60 per cent *ad valorem.*	..	..	..

1	2	3	4	5	6	7
50(6)	..	..	60 per cent *ad valorem.*	..	..	..
50(7)	..	..	100 per cent *ad valorem.*	..	..	..
50(8)	..	..	60 per cent *ad valorem.*	..	50 per cent *ad valorem.*	..
51(1)	..	..	100 per cent *ad valorem.*	..	..	..
51(2)(*a*)	..	..	100 per cent *ad valorem.*	..	..	..
51(2)(*b*)	..	..	100 per cent *ad valorem.*	..	..	..
51(3)	..	..	100 per cent *ad valorem.*	..	..	..
52(1)	..	..	60 per cent *ad valorem.*	..	..	..
53(1)	..	..	40 per cent *ad valorem.*	..	..	..
54(*a*)	..	..	100 per cent *ad valorem.*	..	..	..
54(*b*)	..	..	100 per cent *ad valorem.*	..	..	..
54(2)	..	..	60 per cent *ad valorem.*	..	..	..
55	..	..	100 per cent *ad valorem.*	..	..	..
55(1)	..	..	100 per cent *ad valorem.*	..	..	..
55(3)	..	..	100 per cent *ad valorem.*	..	..	.
56(1)	..	..	100 per cent *ad valorem.*	..	..	..
58	..	..	60 per cent *ad valorem.*	..	..	..
58(1)	..	..	60 per cent *ad valorem.*	..	..	..
58(2)	..	..	60 per cent *ad valorem.*	..	..	..
59	..	..	60 per cent *ad valorem.*	..	..	..
59(1)	..	..	60 per cent *ad valorem.*	..	..	..
59(2)	..	..	100 per cent *ad valorem.*	..	..	..
9(3)	..	..	100 per cent *ad valorem.*	..	..	..
59(4)	..	..	100 per cent *ad valorem.*	..	..	..
59(5)	..	..	100 per cent *ad valorem.*	..	..	..

1	2	3	4	5	6	7
59(6)	..	..	60 per cent *ad valorem.*	..	..	..
60	..	..	100 per cent *ad valorem.*	..	..	..
60(1)(*a*)	..	..	100 per cent *ad valorem.*	..	..	..
60(1)(*b*)	..	..	100 per cent *ad valorem.*	..	..	..
60(3)	..	..	100 per cent *ad valorem.*	..	..	..
60(5)	..	..	100 per cent *ad valorem.*	..	..	..
60(6)	..	..	100 per cent *ad valorem.*	..	..	..
60(7)	..	..	100 per cent *ad valorem.*	..	..	..
60(8)(*a*)	..	..	100 per cent *ad valorem.*	..	..	..
60(8)(*b*)	..	..	100 per cent *ad valorem.*	..	..	..
61	..	..	40 per cent *ad valorem.*	..	..	..
61(1)	..	..	60 per cent *ad valorem.*	..	..	..
61(2)	..	..	100 per cent *ad valorem.*	..	..	..
61(3)	..	..	100 per cent *ad valorem.*	..	..	..
61(5)	..	..	100 per cent *ad valorem*	..		..
61(7)	..	..	100 per cent *ad valorem.*	..	..	..
61(8)	..	..	100 per cent *ad valorem.*	..	..	..
61(11)	..	..	100 per cent *ad valorem.*	..	..	..
62(1)	..	..	100 per cent *ad valorem.*	..	..	..
62(2)	..	..	100 per cent *ad valorem.*	..	..	..
63	..	..	40 per cent *ad valorem.*	..	..	..
63(1)	..	..	40 per cent *ad valorem.*	..	..	..
63(2)(*a*)(*i*)	..	..	40 per cent *ad valorem.*	..	..	..
63(2)(*a*)(*ii*)	..	..	40 per cent *ad valorem.*	..	..	..
63(2)(*b*)	..	..	40 per cent *ad valorem.*	..	..	..

1	2	3	4	5	6	7
63(3)(*i*)	..	..	40 per cent *ad valorem.*	..	..	..
63(3)(*ii*)	..	..	40 per cent *ad valorem.*	..	..	..
63(4)	..	..	40 per cent *ad valorem*	..	..	..
63(5)	..	..	40 per cent *ad valorem.*	..	..	..
63(6)(*i*)	..	..	40 per cent *ad valorem.*	..	..	..
63(6)(*ii*)	..	..	40 per cent *ad valorem.*	..	..	..
63 (7)	..	..	40 per cent *ad valorem.*	..	..	..
63 (8)	..	..	40 per cent *ad valorem.*	..	..	..
63(9)	..	..	40 per cent *ad valorem.*	..	..	..
63(10)(*i*)	..	..	40 per cent *ad valorem less* Rs. 20 per tonne.	..	..	..
63(10)(*ii*)	..	..	40 per cent *ad valorem.*	..	..	..
63(11)	..	..	40 per cent *ad valorem.*	..	..	..
63(12)	..	..	60 per cent *ad valorem.*	..	..	..
63(13)	..	..	40 per cent *ad valorem.*	..	..	..
63(14)	..	..	40 per cent *ad valorem.*	30 per cent *ad valorem.*	..	..
63(14*A*)	..	..	60 per cent *ad valorem.*	50 per cent *ad valorem.*	..	..
63(15)	..	..	60 per cent *ad valorem.*	..	..	..
63(16)	..	..	60 per cent *ad valorem.*	..	..	..
63(17)(*i*)	..	..	40 per cent *ad valorem.*	..	..	..
63(17)(*ii*)	..	..	40 per cent *ad valorem.*	..	..	..
63(18)(*a*)	..	..	60 per cent *ad valorem.*	..	..	..
63(18)(*b*)	..	..	60 per cent *ad valorem.*	..	..	..
63(19)(*a*)(*i*)	..	..	40 per cent *ad valorem.*	..	..	..
63(19)(*a*)(*ii*)	..	..	40 per cent *ad valorem.*	..	..	..

1	2	3	4	5	6	7
63(19)(*b*)	..	..	40 per cent *ad valorem.*	..	..	..
63(20)(*a*)(1)(*i*)	..	..	40 per cent *ad valorem.*	..	..	..
63(20)(*a*)(1)(*ii*)	..	..	40 per cent *ad valorem.*	..	..	..
63(20)(*a*)(2)(*i*)	..	..	40 per cent *ad valorem.*	..	..	..
63(20)(*a*)(2)(*ii*)	..	..	40 per cent *ad valorem.*	..	..	..
63(20)(*b*)(1)(*i*)	..	..	40 per cent *ad valorem.*	..	..	..
63(20)(*b*)(1)(*ii*)	..	..	40 per cent *ad valorem.*	..	..	..
63(20)(*b*)(2)(*i*)	..	..	40 per cent *ad valorem.*	..	..	..
63(20)(*b*)(2)(*ii*)	..	..	40 per cent *ad valorem.*	..	..	..
63(21)A(*a*)(*i*)	..	..	40 per cent *ad valorem.*	..	..	..
63(21)A(*a*)(*ii*)	..	..	40 per cent *ad valorem.*	..	..	..
63(21)A(*b*)(*i*)	..	..	40 per cent *ad valorem.*	..	..	..
63(21)A(*b*)(*ii*)	..	..	40 per cent *ad valorem.*	..	..	..
63(21)B(*a*)(*i*)	..	..	40 per cent *ad valorem.*	..	..	..
63(21)B(*a*)(*ii*)	..	..	40 per cent *ad valorem.*	..	..	..
63(21)B(*b*)(*i*)	..	..	40 per cent *ad valorem.*	..	..	..
63(21)B(*b*)(*ii*)	..	..	40 per cent *ad valorem.*	..	..	..
63(21)C(*i*)	..	..	40 per cent *ad valorem.*	..	..	..
63(21)C(*ii*)	..	..	40 per cent *ad valorem.*	..	..	..
63(21)D(*i*)	..	..	40 per cent *ad valorem.*	..	..	..
63(21)D(*ii*)	..	..	40 per cent *ad valorem.*	..	..	..
63(21)E(*i*)	..	..	40 per cent *ad valorem.*	..	..	..
63(21)E(*ii*)	..	..	40 per cent *ad valorem.*	..	..	..
63(21)F(*i*)	..	..	40 per cent *ad valorem.*	..	..	..
63(21)F(*ii*)	..	..	40 per cent *ad valorem.*	..	..	..
63(22)	..	..	40 per cent *ad valorem.*	..	..	..

1	2	3	4	5	6	7
63(23)	..	..	40 per cent *ad valorem.*	..	..	..
63(25)(*i*)	..	..	40 per cent *ad valorem less* Rs. 35 per tonne.	..	..	..
63(25)(*ii*)	..	..	40 per cent *ad valorem.*	..	..	..
63(26)	..	..	40 per cent *ad valorem.*	..	..	..
63(27)(*i*)	..	..	30 per cent *ad valorem.*	..	..	..
63(27)(*ii*)	..	..	40 per cent *ad valorem.*	..	..	..
63(29)(*a*)	..	..	100 per cent *ad valorem.*	..	..	..
63(29)(*b*)	..	..	100 per cent *ad valorem.*	..	..	..
63(30)(*a*)	..	..	30 per cent *ad valorem.*	..	..	..
63(30)(*b*)	..	..	40 per cent *ad valorem.*	..	..	..
63(31)(*a*)	..	..	40 per cent *ad valorem.*	..	..	..
63(31)(*b*)	..	..	40 per cent *ad valorem.*	..	..	..
63(32)(*a*)	..	..	40 per cent *ad valorem less* Rs. 35 per tonne.	..	..	..
63(32)(*b*)	..	..	40 per cent *ad valorem.*	..	..	..
63(33)(*a*)	..	..	60 per cent *ad valorem.*	..	..	..
63(33)(*b*)	..	..	60 per cent *ad valorem.*	..	..	..
63(34)(*a*)	..	..	40 per cent *ad valorem.*	30 per cent *ad valorem.*	..	..
63(34)(*b*)	..	..	40 per cent *ad valorem.*	30 per cent *ad valorem.*	..	..
63(34)(*c*)	..	..	40 per cent *ad valorem.*	30 per cent *ad valorem.*	..	..
63(35)	..	..	40 per cent *ad valorem.*	..	..	..
64	..	..	60 per cent *ad valorem.*	50 per cent *ad valorem.*	..	..
64(1)	..	..	40 per cent *ad valorem.*	..	..	..
64(2)	..	..	40 per cent *ad valorem.*	..	..	..
64(3)(*a*)	..	..	50 per cent *ad valorem.*	..	..	..

1	2	3	4	5	6	7
64(3)(*b*)	..	..	60 per cent *ad valorem.*	..	..	..
64(4)	..	..	40 per cent *ad valorem.*	30 per cent *ad valorem.*	30 per cent *ad valorem.*	..
64(5)(*a*)	..	..	50 per cent *ad valorem.*	..	..	..
64(5)(*b*)	..	..	60 per cent *ad valorem.*	..	..	..
65(*a*)	..	..	40 per cent *ad valorem.*	..	..	..
65(*b*)	..	..	40 per cent *ad valorem.*	..	..	..
65(1)	..	..	40 per cent *ad valorem.*	..	..	..
66(*a*)	..	..	40 per cent *ad valorem.*	..	..	..
66(*b*)	..	..	60 per cent *ad valorem.*	..	..	..
66(1)	..	..	40 per cent *ad valorem.*	..	..	..
66(2)	..	..	40 per cent *ad valorem.*	..	..	..
67	..	..	40 per cent *ad valorem.*	..	..	..
67(1)	..	..	40 per cent *ad valorem.*	..	..	..
67(2)	..	..	40 per cent *ad valorem.*	..	..	..
67(3)	..	..	40 per cent *ad valorem.*	..	..	..
67(4)	..	..	40 per cent *ad valorem.*	..	..	..
68	..	..	40 per cent *ad valorem.*	..	..	..
68(1)	..	..	40 per cent *ad valorem.*	..	..	..
68(2)	..	..	40 per cent *ad valorem.*	..	..	..
68(2*A*)	..	..	40 per cent *ad valorem.*	..	..	..
68(3)	..	..	40 per cent *ad valorem.*	..	..	..
68(4)	..	..	40 per cent *ad valorem.*	..	..	..
69	..	..	40 per cent *ad valorem.*	..	..	..
69(1)	..	..	40 per cent *ad valorem.*	..	..	..
69(2)	..	..	40 per cent *ad valorem.*	..	..	..
70	..	..	60 per cent *ad valorem.*	..	..	..
70A	..	..	60 per cent *ad valorem.*	..	..	..

1	2	3	4	5	6	7
70(1)	..	..	60 per cent *ad valorem.*	..	..	..
70(2)	..	..	40 per cent *ad valorem.*	..	..	..
70(3)	..	..	60 per cent *ad valorem.*	..	..	..
70(4)	..	..	40 per cent *ad valorem.*	..	..	..
70(5)	..	..	60 per cent *ad valorem.*	..	..	..
70(5A)	..	..	60 per cent *ad valorem.*	..	..	..
70(6)	..	..	60 per cent *ad valorem.*	..	..	..
70(7)	..	..	40 per cent *ad valorem.*	..	..	..
70(8)	..	..	40 per cent *ad valorem.*	..	..	..
70(9)	..	..	40 per cent *ad valorem.*	..	..	..
71(1)	..	..	60 per cent *ad valorem.*	..	..	..
71(4)	..	..	60 per cent *ad valorem.*	..	..	..
71(5)	..	..	40 per cent *ad valorem.*	..	..	..
71(6)	..	..	40 per cent *ad valorem.*	..	..	..
71(7)	..	..	100 per cent *ad valorem.*	..	..	..
71(8)	..	..	40 per cent *ad valorem.*	..	..	..
71(9)(a)	..	..	100 per cent *ad valorem.*	..	..	..
71(9)(b)	..	..	100 per cent *ad valorem.*	..	..	..
71(10)(a)	..	..	100 per cent *ad valorem.*	..	..	..
71(10)(b)	..	..	100 per cent *ad valorem.*	..	..	..
71(11)	..	..	100 per cent *ad valorem.*	..	..	..
71(12)	..	..	40 per cent *ad valorem.*	..	..	..
71(13)(1)(a)	..	..	100 per cent *ad valorem.*	..	..	..
71(13)(1)(b)	..	..	100 per cent *ad valorem.*	..	..	..
71(13)(1)(c)	..	..	100 per cent *ad valorem.*	..	..	..

1	2	3	4	5	6	7
71(13)(2)(a)	..	..	100 per cent *ad valorem.*	..	..	..
71(14)	..	..	60 per cent *ad valorem.*	..	..	..
72	..	..	40 per cent *ad valorem.*	..	..	..
72(1)	..	..	40 per cent *ad valorem.*	..	..	..
72(2)	..	..	40 per cent *ad valorem.*	..	..	..
72(3)	..	..	40 per cent *ad valorem.*	..	..	..
72(4)(a)	..	..	40 per cent *ad valorem.*	..	..	..
72(4)(b)	..	..	40 per cent *ad valorem.*	..	..	..
72(5)	..	..	100 per cent *ad valorem.*	94 per cent *ad valorem.*	..	..
72(6)	..	..	60 per cent *ad valorem.*	..	..	..
72(7)	..	..	60 per cent *ad valorem.*	..	..	..
72(8)	..	..	40 per cent *ad valorem.*	..	..	..
72(9)	..	..	40 per cent *ad valorem.*	..	..	..
72(10)	..	..	60 per cent *ad valorem.*	50 per cent *ad valorem.*	..	..
72(11)(a)	..	..	100 per cent *ad valorem.*	90 per cent *ad valorem.*	..	..
72(11)(b)	..	..	100 per cent *ad valorem.*	90 per cent *ad valorem.*	..	..
72(12)	..	..	60 per cent *ad valorem.*	..	..	..
72(12A)	..	..	60 per cent *ad valorem.*	..	..	..
72(13)	..	..	40 per cent *ad valorem.*	..	..	..
72(14)(a)(i)	..	..	40 per cent *ad valorem.*	..	..	..
72(14)(a)(ii)	..	..	40 per cent *ad valorem.*	..	..	..
72(14)(a)(iii)	..	..	40 per cent *ad valorem.*	..	..	..
72(14)(a)(iv)	..	..	60 per cent *ad valorem.*	..	..	..
72(14)(b)	..	..	40 per cent *ad valorem.*	..	..	..
72(14)(c)	..	..	60 per cent *ad valorem.*	..	..	..
72(15)	..	..	40 per cent *ad valorem.*	..	..	..

1	2	3	4	5	6	7
72(16)	..	..	40 per cent *ad valorem.*	..	..	..
72(17)	..	..	40 per cent *ad valorem.*	..	..	..
72(18)	..	..	40 per cent *ad valorem.*	..	..	..
72(19)	..	..	40 per cent *ad valorem.*	..	..	..
72(20)	..	..	40 per cent *ad valorem.*	..	..	..
72(21)	..	..	40 per cent *ad valorem.*	..	..	..
72(22)	..	..	40 per cent *ad valorem.*	..	..	..
72(23)	..	..	40 per cent *ad valorem.*	..	..	..
72(24)	..	..	40 per cent *ad valorem.*	..	..	..
72(25)	..	..	40 per cent *ad valorem.*	..	..	..
72(26)	..	..	60 per cent *ad valorem.*	..	..	..
72(27)	..	..	60 per cent *ad valorem.*	..	..	..
72(28)	..	..	60 per cent *ad valorem.*	..	..	..
72(29)	..	..	40 per cent *ad valorem.*	..	..	..
72(31)(*a*)	..	..	40 per cent *ad valorem.*	..	..	..
72(31)(*b*)	..	..	40 per cent *ad valorem.*	..	..	..
72(32)(*a*)	..	..	40 per cent *ad valorem.*	..	..	..
72(32)(*b*)	..	..	40 per cent *ad valorem,*	..	..	..
72(33)	..	..	60 per cent *ad valorem.*	..	..	..
72(34)	..	..	40 per cent *ad valorem.*	..	..	..
72(35)	..	..	100 per cent *ad valorem.*	..	..	..
72(36)	..	..	100 per cent *ad valorem.*	..	..	..
72(37)	..	..	100 per cent *ad valorem.*	..	..	..
72(38)	..	..	40 per cent *ad valorem.*	..	..	..
72(39)	..	..	40 per cent *ad valorem.*	..	..	..

1	2	3	4	5	6	7
72(40)(*a*)	..	..	40 per cent *ad valorem.*	..	..	..
72(40)(*b*)	..	..	40 per cent *ad valorem.*	..	..	..
73(2)	..	..	60 per cent *ad valorem.*	..	..	..
73(3)	..	..	40 per cent *ad valorem.*	..	..	..
73(4)	..	..	100 per cent *ad valorem.*	94 per cent *ad valorem.*	..	..
73(6)	..	..	60 per cent *ad valorem.*	..	..	..
73(7)(*a*)	..	..	40 per cent *ad valorem.*	..	..	..
73(7)(*b*)	..	..	60 per cent *ad valorem.*	..	..	..
73(8)	..	..	40 per cent *ad valorem.*	..	..	..
73(9)(*a*)	..	..	60 per cent *ad valorem*	..	..	..
73(9)(*b*)	..	..	60 per cent *ad valorem.*	..	..	..
73(10)	..	..	100 per cent *ad valorem.*	94 per cent *ad valorem.*	..	..
73(11)	..	..	100 per cent *ad valorem.*	94 per cent *ad valorem.*	..	..
73(12)	..	..	100 per cent *ad valorem.*	94 per cent *ad valorem.*	..	..
73(13)	..	..	40 per cent *ad valorem.*	30 per cent *ad valorem.*	..	..
73(14)	..	..	100 per cent *ad valorem.*	..	..	..
73(15)(*a*)	..	..	60 per cent *ad valorem.*	..	..	..
73(15)(*b*)	..	..	60 per cent *ad valorem.*	..	..	..
73(16)	..	..	100 per cent *ad valorem.*	90 per cent *ad valorem.*	..	..
73(17)	..	..	100 per cent *ad valorem.*	90 per cent *ad valorem.*	..	..
73(18)	..	..	100 per cent *ad valorem.*	90 per cent *ad valorem.*	..	..
73(19)	..	..	40 per cent *ad valorem.*	..	..	..
73(20)	..	..	60 per cent *ad valorem.*	..	..	..
73(23)	..	..	60 per cent *ad valorem.*	..	..	..
74(*a*)	..	..	30 per cent *ad valorem.*	..	..	..
74(*b*)	..	..	40 per cent *ad valorem.*	..	..	..

1	2	3	4	5	6	7
74(1)	..	..	40 per cent *ad valorem.*	..	..	..
74(2)	..	..	40 per cent *ad valorem.*	..	..	..
74(3)	..	..	40 per cent *ad valorem.*	..	..	..
74(4)	..	..	40 per cent *ad valorem.*	..	..	..
75	..	..	60 per cent *ad valorem.*	..	..	..
75(2)	..	..	60 per cent *ad valorem.*	52½ per cent *ad valorem.*	..	..
75(3)	..	..	60 per cent *ad valorem.*	52½ per cent *ad valorem.*	..	..
75(4)	..	..	60 per cent *ad valorem.*	..	..	..
75(5)(*a*)	..	..	90 per cent *ad valorem.*	..	..	..
75(5)(*b*)	..	..	100 per cent *ad valorem.*	..	..	..
75(6)(*a*)	..	..	90 per cent *ad valorem.*	..	..	..
75(6)(*b*)	..	..	100 per cent *ad valorem.*	..	..	..
75(7)(*a*)	..	..	90 per cent *ad valorem.*	..	..	..
75(7)(*b*)	..	..	100 per cent *ad valorem.*	..	..	..
75(7A)(*a*)	..	..	90 per cent *ad valorem.*	..	..	..
75(7A)(*b*)	..	..	100 per cent *ad valorem.*	..	..	..
75(8)(*a*)	..	..	90 per cent *ad valorem.*	..	..	..
75(8)(*b*)	..	..	100 per cent *ad valorem.*	..	..	..
75(9)	..	..	60 per cent *ad valorem.*	..	..	..
75(10)	..	..	60 per cent *ad valorem.*	..	..	..
75(11)	..	..	60 per cent *ad valorem.*	..	..	..
75(12)	..	..	60 per cent *ad valorem.*	..	..	..
75(12A)	..	..	60 per cent *ad valorem.*	..	..	..
75(13)	..	..	60 per cent *ad valorem.*	52½ per cent *ad valorem.*	..	..
75(14)	..	..	60 per cent *ad valorem.*	..	..	..
75(15)	..	..	60 per cent *ad valorem.*	..	..	..

1	2	3	4	5	6	7
75(16)	..	..	100 per cent *ad valorem.*	..	..	..
75(17)	..	..	100 per cent *ad valorem.*	..	..	..
75(18)(*a*)	..	..	40 per cent *ad valorem.*	..	..	..
75(18)(*b*)(*i*)	..	..	40 per cent *ad valorem.*	..	..	..
75(18)(*b*)(*ii*)	..	..	60 per cent *ad valorem.*	..	..	..
76	..	..	40 per cent *ad valorem.*	..	..	..
76(1)	..	..	40 per cent *ad valorem.*	..	..	..
76(2)	..	..	40 per cent *ad valorem.*	..	..	..
76(3)	..	..	60 per cent *ad valorem.*	..	..	..
77(2)(*a*)	..	..	60 per cent *ad valorem.*	..	..	..
77(2)(*b*)	..	..	60 per cent *ad valorem.*	..	..	..
77(3)	..	..	60 per cent *ad valorem.*	..	50 per cent *ad valorem.*	..
77(4)	..	..	60 per cent *ad valorem.*	..	..	..
77(5)	..	..	100 per cent *ad valorem.*	90 per cent *ad valorem.*	..	..
77(6)(*a*)	..	..	100 per cent *ad valorem.*	..	..	..
77(6)(*b*)	..	..	100 per cent *ad valorem.*	..	..	..
77(7)	..	..	100 per cent *ad valorem.*	..	..	..
78(1)	..	..	100 per cent *ad valorem.*	..	..	..
79	..	..	100 per cent *ad valorem.*	..	..	..
80(1)	..	..	100 per cent *ad valorem.*	..	..	..
80(2)(*a*)	..	..	100 per cent *ad valorem.*	..	..	..
80(2)(*b*)	..	..	100 per cent *ad valorem.*	..	..	..
80(2)(*c*)	..	..	100 per cent *ad valorem.*	..	..	..
80(2)(*d*)	..	..	100 per cent *ad valorem.*	..	..	..
80(2)(*e*)	..	..	100 per cent *ad valorem.*	..	..	..
80(2)(*f*)	..	..	100 per cent *ad valorem.*	..	..	..

1	2	3	4	5	6	7
80(2)(g)	..	..	100 per cent *ad valorem.*	..	..	..
80(4)	..	..	100 per cent *ad valorem.*	..	..	..
82	..	..	60 per cent *ad valorem.*	..	..	..
82(2)	..	..	100 per cent *ad valorem.*	..	..	..
82(3)	..	..	60 per cent *ad valorem.*	..	..	..
82(4)	..	..	60 per cent *ad valorem.*	..	..	..
82(5)	..	..	100 per cent *ad valorem.*	..	..	..
83	..	..	100 per cent *ad valorem.*	..	..	..
84(*a*)(*i*)	..	..	100 per cent *ad valorem.*	..	..	..
84(*a*)(*ii*)	..	..	100 per cent *ad valorem.*	..	..	..
84(*b*)	..	..	100 per cent *ad valorem.*	..	..	..
84(1)	..	..	60 per cent *ad valorem.*	..	..	..
85(*c*)	..	..	100 per cent *ad valorem.*	..	..	..
85(1)	..	..	100 per cent *ad valorem.*	..	..	..
86	..	..	100 per cent *ad valorem.*	..	..	..
86(1)	..	..	100 per cent *ad valorem.*	..	..	..

PART II

In the First Schedule to the Tariff Act,—

(*a*) after Item No. 72, the following Item shall be inserted, namely:—

Item No.	Name of article	Nature of duty	Standard rate of duty	Preferential rate of duty if the article is the produce or manufacture of		Duration of protective rates of duty
				The United Kingdom	A British Colony	
1	2	3	4	5	6	7
"72A.	(*i*) All Items of—	Revenue	40 per cent. *ad valorem*	..	..	.. "
	(*a*) machinery including prime-movers,					
	(*b*) instruments, apparatus and appliances,					

1	2	3	4	5	6	7
	(*c*) control gear and transmission equipment, (*d*) auxiliary equipment, as well as, all components (whether finished or not) or raw materials for the manufacture of the aforesaid items and their components, required for the initial setting up of a unit, or the substantial expansion of an existing unit, of a specified— (1) industrial plant, (2) irrigation project, (3) power project, (4) mining project, (5) project for the exploration for oil or other minerals, and (6) such other projects as the Central Government may, having regard to the economic development of the country, notify in the Official Gazette in this behalf: Provided these are imported (whether in one or in more than one consignment) against one or more specific contracts, which have been registered in advance of their importation, with the appropriate Custom House in the manner prescribed by Regulations which the Central Board of Excise and Customs may make under section 157 of the Customs Act, 1962 (52 of 1962);					
	(*ii*) all spare parts, other raw materials (including semi-finished material), or consumable stores imported, as a part of	Revenue	40 per cent. *ad valorem*.	..	..	.."

1	2	3	4	5	6	7
	a contract or contracts, registered in terms of sub-item (*i*), provided the total value of such spare parts, raw materials and consumable stores are up to such value as does not exceed ten per cent. of the value of the goods covered by sub-item (*i*), and further provided that such spare parts, raw materials or consumable stores are essential for the maintenance of the plant or project mentioned in sub-item (*i*).					

(*b*) after Item No. 87, the following Item shall be inserted, namely:—

"87A.	All dutiable articles imported by a passenger as baggage, even if specified elsewhere, but excluding the following articles, namely :— (*i*) motor vehicles, (*ii*) betelnuts, (*iii*) alcoholic drinks and other preparations containing spirit, and (*iv*) tobacco, unmanufactured.	Revenue	100 per cent. *ad valorem*.	..	..	..

STATEMENT OF OBJECTS AND REASONS

The Bill *inter alia* seeks to amend certain laws relating to direct taxes, namely, the Income-tax Act, 1961, the Estate Duty Act, 1953, the Wealth-tax Act, 1957, the Gift-tax Act, 1958 and the Companies (Profits) Surtax Act, 1964. The main amendments propose—

(*i*) to exempt from income-tax the commuted value of pension (subject to certain limits in the case of private employees);

(*ii*) to exempt from income-tax certain income of persons resident in the district of Ladakh (other than employees of the Government) for the period up to and inclusive of the assessment year 1969-1970;

(*iii*) to exempt from income-tax the income from enrolment fees and membership subscriptions derived by certain professional bodies;

(*iv*) to exempt individuals from income-tax on the bonus received by them on the Cumulative Time Deposits in Post Office Savings Banks;

(*v*) to enable individuals to receive interest on 7 per cent. Gold Bonds, 1980 without deduction of income-tax at source;

(*vi*) to provide for the extension of the "tax holiday" concession to newly set up industrial undertakings going into production during the five-year period from the 1st April, 1966;

(*vii*) to increase development rebate in respect of certain machinery or plant installed during the five-year period commencing on the 1st April, 1965;

(*viii*) to provide for voluntary disclosures of unaccounted income and payment of tax thereon at special rates;

(*ix*) in the Gift-tax Act and the Wealth-tax Act, to enhance the rate of interest chargeable from assessees on arrears of tax and payable by Government on delayed refunds from four per cent. to six per cent. per annum; and

(*x*) to facilitate the voluntary disclosure of wealth, by enabling, in such cases, the reduction or waiver of the statutory minimum penalty imposable in certain cases.

2. The Bill also raises duties on several items mentioned in the Indian Tariff Act, 1934. This is being done with a view to augmenting the revenue resources and encouraging import substitution and at the same time rationalising the Customs Import Tariff structure. Union duties of excise are also being raised on certain items as a revenue measure and fresh duties are being imposed on unwrought zinc and lead.

3. The Notes on clauses explain the various provisions contained in the Bill.

NEW DELHI; T. T. KRISHNAMACHARI.

The 17th August, 1965.

Notes on clauses

Clause 2 seeks to amend clause (*14*) of section 2 of the Income-tax Act, 1961. The effect of this amendment will be that any capital gains arising on the transfer of 7 per cent. Gold Bonds, 1980 will not be chargeable to income-tax. This amendment will place the holders of 7 per cent. Gold Bonds, 1980 in the same position as the holders of 6½ per cent. Gold Bonds, 1977.

Clause 3.—*Sub clause* (*a*) seeks to insert retrospectively a new clause (*10A*) in section 10 of the Income-tax Act, 1961. The new clause provides for the exclusion from the total income of an assessee of any payment in commutation of pension received under the pension rules applicable to employees of the Central Government, or under any similar scheme applicable to employees of a State Government, a local authority or a corporation established under a special law. It also provides for the exclusion of any payment in commutation of pension received under any scheme of any other employer, without any limit when such payment is made before 19th August, 1965, but subject to certain limits where the payment is made on or after the said date.

Sub-clause (*b*) seeks to amend sub-clause (*ii*) of clause (*15*) of section 10 of the Act to provide for the exclusion from the total income of an assessee of the bonus received in respect of deposits under the Post Office Savings Bank (Cumulative Time Deposits) Rules, 1959.

Sub-clause (*c*) seeks to insert retrospectively a new clause (*23A*) in section 10 of the Income-tax Act, 1961 to secure that in the case of an association or institution established in India having as its object the control, supervision, regulation or encouragement of the profession of law, medicine, accountancy, engineering or architecture or such other profession as the Central Government may specify in this behalf from time to time by notification in the Official Gazette, any income (other than income chargeable under the head "Interest on securities" or "Income from house property" or any income received for rendering specific services or income by way of interest or dividends derived from investments) will be excluded from its total income. This exemption will be available where the association

or institution has been approved in this behalf for the time being by the Central Government.

Sub-clause (*d*) seeks to insert retrospectively a new clause (*26A*) in section 10 of the Income-tax Act, 1961. The new clause provides for the exclusion from the total income of any person (other than a Government employee) resident in the district of Ladakh, of any income accruing or arising to him from any source in that district or outside India, provided such person was resident in the district of Ladakh also in the previous year relevant to the assessment year 1962-63. The exemption will be effective for assessment years up to and inclusive of the assessment year 1969-70.

Sub-clause (*e*) seeks to substitute clause (*28*) of section 10 of the Income-tax Act, 1961 by a new clause. Under the clause as substituted, any amount adjusted or paid in respect of a tax credit certificate granted under the provisions of Chapter XXIIB and any scheme made thereunder will not be included in computing the total income of any person.

Clause 4 seeks to amend retrospectively sub-clause (*ii*) of clause (*3*) of section 17 of the Income-tax Act, 1961. The effect of this amendment will be that the payment referred to in clause (*10A*) sought to be inserted in section 10 of the Income-tax Act, 1961 by clause 3 of the Bill will not be treated as "profits in lieu of salary".

Clause 5 seeks to amend section 33 of the Income-tax Act, 1961. The effect of this amendment will be that in the case of machinery or plant installed after 31st March, 1965 and before 1st April, 1970 for purposes of the business of construction or manufacture or production of any one or more of the articles specified in the list in the Fifth Schedule to the Income-tax Act, 1961, development rebate will be admissible at the rate of 35 per cent. of the actual cost, and in the case of any such machinery or plant installed after 31st March, 1970, at 25 per cent. of the actual cost thereof; in the case of any other machinery or plant installed after 31st March, 1965 and before 1st April, 1970 the rate of development rebate will be 20 per cent. of the actual cost thereof, and where it is installed after 31st March, 1970, 15 per cent. of such cost. In the case of machinery or plant installed for the purpose of business of coal mining, the effect of the amendment to section 33 by this clause and to the Fifth Schedule by clause 18 of the Bill will be that development rebate at the rate of 35 per cent. at present admissible in respect of such machinery or plant installed up to 31st March, 1966 will continue to be admissible

at the same rate for machinery or plant installed up to 31st March, 1970 and at 25 per cent. after that date.

Clause 6 seeks to amend retrospectively clause (6) of section 43 of the Income-tax Act, 1961. The effect of this amendment will be that in determining the written down value of buildings, machinery or plant for purposes of calculating normal depreciation under section 32(*1*) (*ii*) of that Act, initial depreciation, if any, allowed on such assets under section 10(*2*) (*vi*) of the Indian Income-tax Act, 1922 will not be deductible. This amendment restores the position as it existed prior to the commencement of the Income-tax Act, 1961.

Clause 7 seeks to amend section 44A of the Income-tax Act, 1961. This amendment is consequential to the insertion of new clause (*23A*) in section 10 of the Act by clause 3 of the Bill.

Clause 8 seeks to amend sub-section (*2*) of section 84 of the Income-tax Act, 1961. The effect of this amendment will be that the "tax holiday" available under that section to industrial undertakings newly established in India will be extended to such undertakings which go into production during the five-year period from 1st April, 1966 to 31st March, 1971.

Clause 9 seeks to amend section 88 of the Income-tax Act, 1961, with effect from 1st April, 1964.

Sub-clause (*a*) seeks to insert new sub-sections (*5A*) *and* (*5B*) in section 88. The effect of this amendment will be that donations made by an assessee on or after 1st April, 1964 to Government or to any local authority for a charitable purpose or to an institution or fund established in India for a charitable purpose will not qualify for rebate of income-tax if the said purpose, or in a case where there are several such purposes, any one of such purposes, is wholly or mainly of a religious nature.

Sub-clause (*b*) seeks to amend sub-section (*6*) of section 88. This amendment is consequential to the amendment sought to be made by sub-clause (*a*).

Clause 10 seeks to amend section 112 of the Income-tax Act, 1961. The amendments made by this clause are consequential to the amendments sought to be made by clause 11 of the Bill.

Clause 11 seeks to insert a new section 112A in the Income-tax Act, 1961. The new section provides that where the total income of an assessee other than a company includes any interest on National

Savings Certificates (First Issue), tax on such interest will be calculated at the average rate of tax applicable to the assessee's other ordinary income, *i.e.*, total income as reduced by the said interest and also by any extraordinary income by way of capital gains and compensation received for termination or modification of the terms of a managing agency, etc. The new section also provides that the tax on such interest income will be calculated as if the whole of it were earned income and that tax on the assessee's income other than such interest will be calculated as if the said interest did not form part of his total income.

Clause 12 seeks to amend section 114 of the Income-tax Act, 1961. The amendments made by this clause are consequential to the amendment sought to be made by clause 11 of the Bill.

Clause 13 seeks to amend section 193 of the Income-tax Act, 1961. The provision under one of the amendments is that interest on National Savings Certificates (First Issue) shall be paid without deduction of tax at source. Another provision made is that in the case of an individual resident in India who holds 7 per cent. Gold Bonds, 1980 of a value not exceeding Rs. 10,000, the interest on the said Bonds will be paid without deduction of tax at source ; this amendment places the holders of 7 per cent. Gold Bonds, 1980 in the same position as the holders of 6½ per cent. Gold Bonds, 1977.

Clause 14 seeks to substitute sub-section (2) of section 280M of the Income-tax Act, 1961, by a new sub-section. The sub-section as substituted permits a refund of the annuity deposit made by a person who is not liable to make such deposit, or the excess amount deposited by a person, in such manner and having regard to such factors as may be specified in a scheme framed under section 280W.

Clause 15 seeks to amend section 280N of the Income-tax Act, 1961 to permit refund of the annuity deposit made by an unregistered firm which is assessed as a registered firm in such manner and having regard to such factors as may be specified in a scheme framed under section 280W.

Clause 16 seeks to amend section 280W of the Income-tax Act, 1961. The effect of this amendment will be that it will be open to the Central Government to make a provision in a scheme framed under this section, specifying the manner in which the amount of any annuity deposit made by a person who is not liable to make the deposit, or the excess annuity deposit made by a person, may be

refunded, and the factors that may be taken into account for this purpose.

Clause 17 seeks to amend with effect from 1st April, 1965 section 280ZC of the Income-tax Act, 1961.

Sub-clause (i) seeks to insert two *Explanations* in sub-section (*1*) of section 280ZC. Under the first *Explanation,* it is provided that "sale proceeds" does not include freight or insurance attributable to the transport of the goods or merchandise beyond the customs station as defined in the Customs Act, 1962. *Explanation* 2 provides that a person who exports any goods or merchandise in respect of which a declaration in pursuance of rule 3 of the Foreign Exchange Regulation Rules, 1952 is required to be made in Form E.P. or Form E.P. I in the First Schedule to the said rules, shall not, in respect of such goods or merchandise, be deemed to have received the sale proceeds in India in accordance with the Foreign Exchange Regulation Act, 1947 and the rules made thereunder unless he receives the same in India through an authorised dealer as defined in the said Act.

Sub-clause (ii) seeks to substitute sub-section (*4*) of section 280ZC of the Income-tax Act, 1961 by a new sub-section to provide that the amount shown on a tax credit certificate granted to any person under that section shall, on the certificate being produced before the Income-tax Officer, be adjusted against any existing liability of that person under the Income-tax Act, 1961 or under the Indian Income-tax Act, 1922, and where the amount of such certificate exceeds such liability or where there is no such liability, the excess or the whole of such amount, as the case may be, shall fall due to be refunded to such person.

Clause 18 seeks to amend the Fifth Schedule to the Income-tax Act, 1961. The effect of the amendment will be that "coal and lignite" will be added to the list of articles specified in item (*3*) of that Schedule, for the purposes of the allowance of development rebate in respect of machinery or plant installed during the five-year period from 1st April, 1965 to 31st March, 1970 at the higher rate of 35 per cent. specified under the amendment made to the Act by clause 5 of the Bill.

Clause 19 seeks to insert a new sub-section (*4*) in section 3 of the Estate Duty Act, 1953, with effect from 1st April, 1964. The new sub-section provides that "public charitable purpose" or "purposes" in relation to a gift made or disposition or determination of an interest

effected or suffered on or after the 1st April, 1964 shall not include a purpose the whole or substantially the whole of which is of a religious nature.

Clause 20.—*Sub-clause* (*i*) seeks to amend with effect from 1st April, 1965, section 5(*1*) of the Wealth-tax Act, 1957 to secure that the value of 7 per cent. Gold Bonds, 1980 will be excluded in computing the net wealth of an assessee under the Wealth-tax Act, 1957.

Sub-clause (*ii*) seeks to insert new sub-sections (*2A*) and (*2B*) in section 18 of the Wealth-tax Act, 1957. Sub-section (*2A*) empowers the Commissioner in his discretion to reduce or waive the amount of minimum penalty imposable under section 18(*1*) (*i*) or section 18 (*1*) (*iii*) in the case of a person who has voluntarily and in good faith made a full and true disclosure of his concealed wealth prior to issue of a notice to him under section 14(*2*) in the former case, and prior to the detection of the wealth by the Wealth-tax Officer in the latter case, and, in addition, has co-operated in any enquiry relating to the assessment of the concealed wealth and has either paid, or made satisfactory arrangements for the payment of, any tax or interest which may become payable in respect of the wealth concealed. The new sub-section (*2B*) provides that an order of the Commissioner under sub-section (*2A*) shall be final and shall not be called in question before any court of law or any other authority.

Sub-clause (*iii*) seeks to amend sections 31 and 34A of the Wealth-tax Act, 1957, with effect from 1st April, 1965 to secure that the rate of simple interest chargeable on delayed payments of tax and the interest payable by Government on delayed refunds will be 6 per cent. as against the existing rate of 4 per cent. per annum.

Sub-clause (*iv*) seeks to insert new sub-sections (*3A*) and (5) in section 36 of the Wealth-tax Act, 1957. New sub-section (*3A*) provides that a person in whose case the penalty imposable under section 18(*1*) (*iii*) has been reduced or waived by the Commissioner under sub-section (*2A*) of that section, sought to be introduced by sub-clause (*ii*) of this clause, shall not be liable to be prosecuted under section 36(*2*) of that Act in relation to the assessment for the assessment year in respect of which the penalty imposable has been reduced or waived.

New sub-section (5) provides that where any prosecution has been started against any person, any statement made or account or

other documents produced by him before any of the Wealth-tax authorities of the rank of Wealth-tax Officer and above shall not be inadmissible as evidence for the purpose of the prosecution merely on the ground that such statement was made or such account or other document was produced in the belief that the penalty imposable would be reduced or waived under section 18(*2A*) or that the particular offence would be compounded.

Clause 21.—Sub-clause (*i*) seeks to insert a new sub-section (*1A*) in section 5 of the Gift-tax Act, 1958 with effect from 1st April, 1964. It provides that for the purpose of the exemption from gift-tax of a gift made on or after 1st April, 1964 for a charitable purpose or to any institution or fund established for a charitable purpose, under clause (*v*) or clause (*vi*) of section 5 (*1*), "charitable purpose" shall be construed as not including a purpose the whole or substantially the whole of which is of a religious nature.

Sub-clause (*ii*) seeks to amend sections 32 and 33A of the Gift-tax Act, 1958, with effect from the 1st April, 1965, to secure that the rate of simple interest chargeable on delayed payments of tax and payable by Government on delayed refunds shall be 6 per cent. per annum as against the existing rate of 4 per cent. per annum.

Clause 22 seeks to insert a new section 24A in the Companies (Profits) Surtax Act, 1964. The new section empowers the Central Government to enter into an agreement with any foreign Government for the grant of relief in respect of chargeable profits which have suffered both surtax under that Act and a similar tax or income-tax in the foreign country, or for the avoidance of double taxation of chargeable profits under that Act and under any law relating to taxation of income or profits in force in the other country.

Clause 23 seeks to provide that notwithstanding anything contained in the Indian Income-tax Act, 1922, any sum due to or received by any person in commutation of pension shall not be included and shall be deemed never to have been includible in computing his total income under the provisions of that Act.

Clause 24 seeks to make a provision for voluntary disclosures of income chargeable to tax under the Indian Income-tax Act, 1922 or the Income-tax Act, 1961 for any assessment year prior to the assessment year 1965-66 for which a person has failed to furnish a return within the time allowed under the relevant provisions of those Acts, or which he has failed to disclose in a return filed by

him on or before 19th August, 1965 under either of the said Acts, or which has escaped assessment by reason of the omission or failure on the part of such person to make a return under either of the said Acts or to disclose fully and truly all material facts necessary for his assessment. Income assessable for any assessment year for which a notice calling for the return has been issued by the Income-tax Officer, and the time allowed for filing the same falls beyond the 19th August, 1965, and the return has not been furnished on or before the said date, will be outside the purview of this section. Further, income which has been detected or is deemed to have been detected by the Income-tax Officer prior to the date of declaration will also be outside the scope of this section.

Declarations under this section may be made any time during the period from 19th August, 1965 to 31st March, 1966. Income declared under this section will be charged to tax by treating it as the total income at the rates specified in Paragraph A of Part I of the First Schedule to the Finance Act, 1965 where the declarant is a person other than a company, or at the rates specified in Paragraph F of the said Part, where the declarant is a company, subject to certain modifications in either case.

Where the Commissioner of Income-tax is satisfied that any portion of the amount declared has already been detected or is deemed to have been detected by the Income-tax Officer prior to the date of declaration, he shall within 30 days of the date of declaration, make an order specifying the amount so detected which he shall estimate to the best of his judgment on the basis of such statement, information, document or other relevant material which is either in the knowledge or possession of the Income-tax Officer before the date of declaration, or is in the knowledge or possession of any other Government officer before the said date and comes to the knowledge or possession of the Income-tax Officer not later than 15 days from the date of declaration. The amount so specified in the Commissioner's order will be excluded from the amount shown in the declaration and the balance, or where more than one declaration has been made, the aggregate of all the amounts declared in all such declarations as reduced by the amounts specified in the relevant orders, if any, of the Commissioner, will be charged to income-tax in the manner indicated above.

Facility will be allowed to the declarant for paying the tax as determined in instalments extending over a period not exceeding four years; such instalments will be allowed by the Income-tax

Officer under the authority of the Commissioner, only if not less than 10 per cent. of the tax due is paid within the time allowed in the demand notice issued by the Income-tax Officer for this purpose, and security to the satisfaction of the Commissioner is furnished for payment of the balance. The provisions of the Income-tax Act, 1961 relating to collection and recovery of taxes, including charging of interest, will apply to the tax payable under this section.

The declaration has to be made to the Commissioner and should *inter alia* contain particulars of the year or years in which the income was earned and the form in which the declared income is held and the location of the relevant assets. Where the Commissioner makes an order specifying the amount which has already been detected by the Income-tax Officer before the date of declaration, the declarant will have a right of appeal to the Board against such order within 30 days. The decision of the Board on the appeal will be final and conclusive. The income so specified (or the altered amount of such income where such alteration is made by the Board in appeal) will be assessed to tax under the provisions of the Indian Income-tax Act, 1922, or as the case may be, the Income-tax Act, 1961 and not under the provisions of this section. Any admission made by the declarant in regard to such income in the declaration made by him will not, however, be used as evidence against him in proceedings for assessment of that income under the said Acts or in any proceedings for penalty or prosecution in relation to such income.

The amount shown in a declaration under this section as reduced by the amount, if any, already detected prior to the declaration, may be credited by the declarant in his books of account or other record and if he does so, such amount shall not be included in his total income for any assessment under the Indian Income-tax Act, 1922 or the Income-tax Act, 1961 or the Excess Profits Tax Act, 1940 or the Business Profits Tax Act, 1947 or the Super Profits Tax Act, 1963 or the Companies (Profits) Surtax Act, 1964.

Secrecy will be ensured in respect of the particulars shown in any declaration or record of any proceeding under this section.

Clause 25.—Sub-clause (*a*) seeks to make necessary changes in section 2A of the Indian Tariff Act, 1934 providing for inclusion in the countervailing duty chargeable on any imported article, the equivalent of the excise duty chargeable on the raw materials,

components or ingredients used in the production or manufacture of like article in India

Sub-clause (*b*) read with the Schedule seeks to increase or otherwise modify the basic import duties on certain items. Two new tariff items are also being created carrying flat rates of duty The first is for all items of machinery and equipment as well as some quantity of maintenance stores imported for the initial setting up or the substantial expansion of a specified plant or project The second item covers dutiable articles imported by passengers as baggage.

Clause 26 —

Sub-clause (*a*) seeks to raise the rate of duty on motor spirit,

Sub-clause (*b*) seeks to raise the rate of duty on kerosene,

Sub-clause (*c*) seeks to raise the rate of duty on refined diesel oils and vaporising oil,

Sub-clause (*d*) seeks to reduce the rate of duty on diesel oil, not otherwise specified,

Sub-clause (*e*) seeks to raise the rate of duty on furnace oil,

Sub-clause (*f*) seeks to raise the rate of duty on asphalt, bitumen and tar,

Sub-clause (*g*) seeks to raise the rate of duty on all products derived from refining of crude petroleum, not otherwise specified,

Sub-clauses (*h*) and (*i*) seek to explain precisely the meanings of the words "alcohol", "opium", etc, occurring in Items 14E and 14F and relate them to the definitions of these words given in the Medicinal and Toilet Preparations (Excise Duties) Act 1955

Sub-clause (*j*) seeks to raise the rate of duty on steel ingots,

Sub-clause (*k*) seeks to raise the rates of duty on copper and copper alloys and their manufactures,

Sub-clause (*l*) seeks to raise the rates of duty on certain categories of iron and steel products,

Sub-clause (*m*) seeks to levy a duty of excise on zinc unwrought and raise the rate of duty on zinc manufactures,

Sub-clause (*n*) seeks to levy a duty of excise on lead unwrought,

FINANCIAL MEMORANDUM

INCOME-TAX AND OTHER DIRECT TAXES

Clause 20 which amends sections 31 and 34A of the Wealth-tax Act, 1957 and clause 21 which amends sections 32 and 33A of the Gift-tax Act, 1958 provide for the increase of interest from four per cent. to six per cent. on delayed refunds by the Government. The exact amount of interest payable by the Central Government as a result of these amendments cannot be foreseen at present.

CUSTOMS AND CENTRAL EXCISE

The Chanda Committee had recommended certain reorganisation of the structure of the Excise Department broadly on the following lines:—

(*a*) Strengthening the Internal Audit by formation of a separate Directorate with jurisdiction all over India for more efficient scrutiny both of Customs and Excise revenue assessments and realisations. This measure will improve the efficiency of collection and serve to plug the loopholes, if any, in the administrative system as well as the legal and procedural controls.

(*b*) Formation of some new Collectorates, with a view to making the Collectorate charges viable and improve the efficiency of administration in the Collectorates.

(*c*) Formation of a Directorate of Training for more efficient in-service training of the Customs and Excise departmental officers at all levels including Class I officers up to the level of Assistant Collectors.

(*d*) Setting up of more Regional Chemical Laboratories and providing the necessary equipment, chemicals, etc., required for running them. This proposal is made to give relief to the existing laboratories where the number of Customs and Excise samples tested have gone up enormously as a result of increased coverage of excise and custom imports.

(*e*) Setting up of a Directorate of Tax Research and Planning which will be a composite unit for Customs and Excise for continuous study of indirect tax potentiality, the

burden of tax—income-wise, commodity-wise and industry-wise—study of production and consumption trends, etc., and generally to function as a Wing of the Central Board of Excise and Customs assisting it in the formulation of taxation proposals and also in revenue budgeting.

As the present Bill proposes to increase the duty of customs and duty of excise on a number of items, it is felt that some increase of staff is necessary especially if the aforesaid recommendations of the Chanda Committee are to be implemented. For the remaining part of the current year it is estimated that an extra expenditure of about Rs. 33 lakhs may be incurred.

Requirements of personnel and finance

	No.	Average annual emoluments	Cost
I. *Officers*:			Rs.
(*a*) Directors	3	3 × Rs. 27,000	81,000
Collectors	4	4 × Rs. 7,680*	30,720
		*By upgradation of Dy. Collectors' post	
(*b*) Joint Director	1	24 × Rs. 18,600	4,46,400
Dy. Directors	20		
Dy. Chief Chemists	3		
(*c*) Chemical Examiners, Grade I.	3	3 × Rs. 12,000	36,000
(*d*) Asstt. Collectors	38	75 × Rs. 8,900	6,67,500
Senior Research Officers	3		
Statistician	1		
Accounts Officers	18		
Superintendents, Cl. I	12		
Chemical Examiners, Grade II	3		
(*e*) Chief Accounts Officers.	5	13 × Rs. 9,000	1,17,000
Principal Appraisers	4		
Lecturer in Law	1		
Chief Preventive Inspectors.	3		
Superintendents	00	166 × Rs. 7,100	11,78,600
Appraisers	10		
Asstt. Chief Accounts Officers.	6		
Asstt. Accounts Officers	24		
Admn. Officer	1		
Section Officers	2		
Auditor	1		
Research Officers	4		
Asstt. Chemical Examiners.	18		
II. *Staff—Executive and Technical*:			
(*a*) Dy. Supdts. (E)	60	108 × Rs. 5,700	6,15,600
Accountants	18		
Chemical Assistants, Grade I.	30		

(*b*) Inspectors . . .	280		
Examiners . . .	15		
Preventive Officers .	50	375 × Rs. 3,600	13,50,000
Chemical Assistants, Grade II.	30		
(*c*) Sub-Inspectors . .	100	100 × Rs. 1,720	1,72,000

III. *Staff—Ministerial* :

Office Superintendents .	5	
Dy. Supdts. (M) .	19	
Head Clerks/Asstts. .	42	
U.D.Cs. . . .	618	22,00,000
L.D.Cs. . . .	74	
Stenographers and Steno-typists.	172	

Incidentals including Class IV staff, rent, T.A., Laboratory equipment and chemicals, etc. . 29,30,000

For one year .. Total . 98,24,820 or say Rs. 98·25 lakhs

For 4 months of the current year . Rs. 33 lakhs.

ABSTRACT

	Rs. in lakhs
1. Reorganisation of Collectorates	10·65
2. Directorate of Audit	35·50
3. Regional Laboratories	16·50
4. Central Training Institute, Zonal Schools, Training Reserve Posts.	33·50
5. Directorate of Tax Research and Planning . . .	2·10
For one full year . . Total . .	98·25
For 4 months of the current year . . .	Rs. 33 lakhs.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 16 amends section 280W of the Income-tax Act, 1961 so as to enable the Central Government to specify in the scheme made under that section the manner in which the excess or deficiency of annuity deposit may be refunded, adjusted or otherwise dealt with and the factors that may be taken into account in this connection.

2. Clause 25, sub-clause (*a*) proposes to insert some new sub-sections in section 2A of the Indian Tariff Act, 1934 so as to enable the Central Government to make rules for the purposes of determining the addition to countervailing duty leviable on an imported article, such addition being on account of the excise duty leviable on raw materials, components or ingredients used in the production or manufacture of a like article in India.

3. The aforesaid matters in respect of which the scheme or rules will be made are matters of procedure and detail and it is hardly practicable for these matters to be provided in the Bill itself. The delegation of legislative power is thus of a normal character.

BILL No. 42 OF 1965

A Bill further to amend the Code of Criminal Procedure, 1898.

BE it enacted by Parliament in the Sixteenth Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Code of Criminal Procedure (Amendment) Act, 1965.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of section 127.

2. In sub-section (*1*) of section 127 of the Code of Criminal Procedure, 1898 (hereinafter referred to as the principal Act), for the word "Magistrate", the words "Magistrate of the first class" shall be substituted. 5 of 1898.

Amendment of section 128.

3. In section 128 of the principal Act, for the word "Magistrate", the words "Magistrate of the first class" shall be substituted.

Amendment of section 129.

4. In section 129 of the principal Act, after the words "the Magistrate of the highest rank" the words "not below the rank of a Subdivisional Officer" shall be inserted.

STATEMENT OF OBJECTS AND REASONS

Since the attainment of independence, the power conferred on the Magistrates to disperse unlawful assemblies has not been used properly. All Magistrates cannot use power satisfactorily and according to the needs of the occasion. So, in order to safeguard the interests of the public, it is necessary that the power to disperse unlawful assemblies and the power to call armed forces should be conferred on the Magistrates of the first class and Magistrates not below the rank of Sub-divisional Officers, respectively.

Hence this Bill.

VISHWA NATH PANDEY.

NEW DELHI;

The 5th April, 1965.

BILL No. 33 OF 1965

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Sixteenth Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Constitution (Amendment) Act, 1965.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of article 134.

2. In article 134 of the Constitution, in clause (1), after sub-clause (*b*), the following sub-clause shall be inserted, namely:—

"(*bb*) has passed a sentence of death itself or confirmed such sentence passed by a sessions judge; or".

STATEMENT OF OBJECTS AND REASONS

The Constitution aims at providing equal opportunities to the citizens of India to get justice from the highest tribunal of the country. Death sentence is the highest punishment given by any competent court. Under a democratic Government, justice demands that a person who has been sentenced to death by a High Court must have the right to appeal to the Supreme Court without taking any permission from the High Court.

Hence this Bill.

NEW DELHI; VISHWA NATH PANDEY.

The 5th April, 1965.

BILL No. 34 OF 1965

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Sixteenth Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Constitution (Amendment) Act, 1965.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Omission of article 314.

2. Article 314 of the Constitution shall be omitted.

STATEMENT OF OBJECTS AND REASONS

The Constitution of India provides for equality for all citizens in matters relating to public employment etc. But article 314 creates discrimination between persons who were appointed to the Civil Service before independence and those appointed after the independence in regard to the conditions of service, remuneration, etc. In order to remove this disparity, the omission of article 314 is essential.

Hence this Bill.

NEW DELHI; VISHWA NATH PANDEY.

The 9th April, 1965.

BILL NO. 43 OF 1965

A Bill further to amend the Prevention of Corruption Act, 1947.

BE it enacted by Parliament in the Sixteenth Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Prevention of Corruption (Amendment) Act, 1965.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Omission of section 6.

2. Section 6 of the Prevention of Corruption Act, 1947 shall be omitted. 2 of 1947.

STATEMENT OF OBJECTS AND REASONS

The Prevention of Corruption Act, 1947 is meant to prevent corruption among the public servants but section 6 of the Act creates many hindrances in prosecuting the public servants and stands as a stumbling block in the path of justice. It is accordingly proposed to amend the Act by repealing this section.

Hence this Bill.

VISHWA NATH PANDEY.

NEW DELHI;
The 9th April, 1965.

BILL No. 44 OF 1965

A Bill further to amend the Code of Criminal Procedure, 1898.

BE it enacted by Parliament in the Sixteenth Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Code of Criminal Procedure (Amendment) Act, 1965.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of Section 252.

2. In section 252 of the Code of Criminal Procedure, 1898, for sub-section (*1*), the following sub-section shall be substituted, namely:— 5 of 1898.

"(*1*) In any case instituted otherwise than on a police-report, when the accused appears or is brought before a Magistrate, such Magistrate shall follow the same procedure as is laid down in section 251A and supply to the accused copies of the evidence and other relevant documents produced or taken under inquiry under section 202."

STATEMENT OF OBJECTS AND REASONS

Section 252(1) of the Code of Criminal Procedure works great hardship on a complainant who is poor and cannot bear the expenses of litigation. If the complainant is compelled to prosecute the case to the end, it means not only financial burden but also involves great deal of worries and troubles. Therefore, in the interest of justice, it is necessary that after a *prima facie* case is established, it should become the duty of the State to prosecute the accused. The proposed changes are intended to serve this purpose.

Hence this Bill.

SINHASAN SINGH.

NEW DELHI;
The 14th April, 1965.

BILL NO. 45 OF 1965

A Bill further to amend the All-India Services Act, 1951.

BE it enacted by Parliament in the Sixteenth Year of the Republic of India as follows:—

Short title and commencement.

1. (1) This Act may be called the All-India Services (Amendment) Act, 1965.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Insertion of new section 3A.

2. After section 3 of the All-India Services Act, 1951, the following new section shall be inserted, namely:— 61 of 1951.

Members of All-India Services not to accept certain appointments after their retirement.

"3A. (*1*) Notwithstanding anything contained in this Act, a member of any of the All-India Services, including the Indian Civil Service, shall not, after retirement from such service, accept employment in any capacity, either honorary or otherwise, in a company or firm which is owned, controlled or managed, wholly or partly, by a private individual or body of such individuals.

(*2*) Any infringement of the provision contained in this section shall be punishable with imprisonment which may extend to five years, or with fine which may extend to ten thousand rupees or with both."

STATEMENT OF OBJECTS AND REASONS

There is a growing tendency, of late, on the part of senior Government officials to join private firms or companies on lucrative remuneration after retirement. These officials, having held key positions in the Government, are in a position to influence the administration and obtain discriminatory favours and valuable inside information for the benefit of the private concerns in which they accept service. This practice of persons in high places, who, in the course of their official career come into contact with big business, going into private employment, has not only a deleterious effect on the morale of public services but also goes against the fundamental principles of social morality and conduct. Hence the need for a prohibitory and penal measure to check such practice.

This Bill seeks to amend the All-India Services Act, 1951, for the purpose.

NEW DELHI;
The 20th April, 1965.

C. K. BHATTACHARYYA.

BILL NO. 52 OF 1965

A Bill further to amend the Constitution of India

BE it enacted by Parliament in the Sixteenth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Amendment) Act, 1965.

Amendment of article 117.

2. To clause (3) of article 117 of the Constitution, the following proviso shall be added:—

"Provided that no recommendation shall be required under this clause for the moving of a motion for circulation of a Bill

for the purpose of eliciting opinion thereon."

3. To clause (3) of article 207 of the Constitution, the following proviso shall be added:— Amendment of article 207.

"Provided that no recommendation shall be required under this clause for the moving of a motion for circulation of a Bill for the purpose of eliciting opinion thereon."

STATEMENT OF OBJECTS AND REASONS

In the event of the withholding of recommendation by the President or the Governor for consideration of a Bill, even a motion for circulation of the Bill for eliciting public opinion thereon cannot be moved, if the Bill attracts the provisions of articles 117(3) and 207(3) of the Constitution. Since adoption of such a motion does not bind the legislature one way or the other, it is proposed to do away with this requirement so far as it relates to such motions. The present Bill aims to achieve this objective.

NEW DELHI;
The 14th June, 1965.

YASHPAL SINGH

BILL NO. 46 OF 1965

A Bill further to amend the Representation of the People Act 1951.

BE it enacted by Parliament in the Sixteenth Year of the Republic of India as follows:—

1. This Act may be called the Representation of the People (Amendment) Act, 1965. Short title

Amendment of section 77.

2. In section 77 of the Representation of the People Act, 1951,—

(*a*) in sub-section (*1*), after the words "incurred or authorised by him", the words "or by his party" shall be inserted;

(*b*) after sub-section (*1*), the following proviso shall be added:—

"Provided that where a party incurs expenditure on a candidate standing from a Parliamentary constituency which is comprised of one or many Assembly constituencies and the party is also sponsoring other candidates from such constituencies, the expenditure so incurred on the candidates shall be divided among them in such proportion as may be prescribed by rules."

STATEMENT OF OBJECTS AND REASONS

Expenditure incurred by a party on a candidate is at present not included in the election expenses of the candidate. This is not desirable for the healthy development of democratic institutions. It is, therefore, proposed to amend section 77 of the Representation of the People Act, 1951 so as to include such expenditure in the election expenses of the candidate. The present Bill aims to achieve this object.

NEW DELHI;
June 22, 1965.

YASHPAL SINGH.

S. L. SHAKDHER,
Secretary.

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